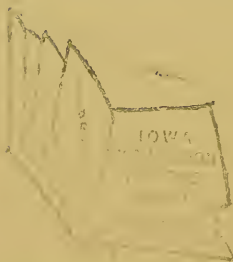


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GUIDE TO FLORIDA STATUTES

which provide special benefits
to blind and handicapped residents
of Florida

February 1979

compiled by

Stephen Prine
Librarian II
Florida Regional Library for the
Blind and Physically Handicapped

Do not rely on statutes in this
guide after June 30, 1979

Department of Education
Division of Blind Services
Florida Regional Library for the
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INTRODUCTION

How To Use This Guide

This guide is a compilation of Florida Statutes which should be of interest to blind and physically handicapped residents of Florida. These laws have been separated into ten categories for easy reference and are listed alphabetically under subject headings. A sample entry follows:

(1) EXEMPTIONS

- (2) 193.623 Assessment of building renovations for accessibility to the physically handicapped. —Any taxpayer who renovates an existing building or facility owned by such taxpayer in order to permit physically handicapped persons to enter and leave such building or facility or to have effective use of the accommodations and facilities therein shall, for the purpose of assessment for ad valorem tax purposes, be deemed not to have increased the value of such building more than the market value of the materials used in such renovation, valued as salvage materials. "Building or facility" shall mean only a building or facility, or such part thereof, as is intended to be used, and is used, by the general public. The renovation required in order to entitle a taxpayer to the benefits of this section must include one or more of the following: the provision of ground level or ramped entrances and washroom and toilet facilities accessible to, and usable by, physically handicapped persons.

- (1) Subject heading
- (2) Statute (taken verbatim from Florida Statutes)
- (3) Brief summary
- (4) Contact point

(3) 193.623

Accessibility - tax evaluation.
Renovations for accessibility of physically handicapped does not increase value of building for ad valorem tax purposes.

- (4) Contact point: Tax Assessor (county).

Florida Statutes, Chapter 413, provide the basis for the Division of Blind Services. Attachment I of this guide reproduces the sections of Chapter 413 regarding Florida's blind services programs.

Attachment II is a copy of "Requirements to Qualify for Property Tax Exemptions."

Attachment III is a sample of the physician certificate which is needed when filing for additional exemptions.

Because of the volume of statutes that pertain (in some degree or other) to the blind and physically handicapped, this compilation should not be regarded as all-inclusive. Florida Statutes are revised and expanded annually. Information in this guide should not be relied on after June 30, 1979.

Comments on format and ease in use of this guide are requested by compiler.

ACCESSIBILITY

PART V

ACCESSIBILITY BY HANDICAPPED PERSONS

553.45 Definitions.

553.46 Obstruction of common or emergency exits prohibited; standards of accessibility; penalty.

553.47 Building classifications.

553.48 Accessibility features required of new buildings; exceptions.

553.49 Modifications and waivers; advisory committee.

553.45 Definitions.—For purposes of this part:

(1) "Physically handicapped person" means any person suffering from a physical disability, including blindness, and the loss of one or more life functions leaving that person mobility-impaired or sensory-impaired requiring the use of prosthetic equipment, including, but not limited to, crutches, walkers, canes, or wheelchairs.

(2) "Living unit" means a single unit providing independent living facilities for one or more persons including permanent provisions for living, eating, cooking, or sleeping and shall include, but not be limited to, motels, apartment houses, rooming houses, dormitories, and other similar facilities.

History.—s. 1, ch. 74-292, s. 1, ch. 78-333.

553.46 Obstruction of common or emergency exits prohibited; standards of accessibility; penalty.—

(1) No first floor or ground level licensed business establishment conducting business with the general public and to which the general public is invited shall obstruct common or emergency entrances and exits so as to prevent a physically handicapped person from using same. At least one easily accessible entrance and exit used by the general public and appropriate to the needs of physically handicapped persons shall be available, and these entrances and exits shall conform to the standards set forth by the American National Standards Institute standard "Making Buildings and Facilities Accessible to and Viable by the Physically Handicapped," (ANSI A117.1). The provisions of this subsection shall not apply to buildings or facilities which are either existing, under construction, or under contract for construction on October 1, 1974.

(2) Posts or similar barricades at common or emergency entrances and exits of establishments that are existing, under construction, or under contract for construction which would prevent a person from using such entrances or exits shall be removed.

(3) Any person who violates, or fails to comply with, the provisions of this section is guilty of a misdemeanor of the second degree, punishable only by fine as provided in s. 775.083.

History.—s. 2, ch. 74-292; s. 2, ch. 78-333.

553.45

Physically handicapped persons defined.

553.46

Entrances and exits

ACCESSIBILITY

553.47 Building classifications.—For the purposes of this part, the following classifications are adopted:

(1) Assembly occupancy: Theaters, auditoriums, motion-picture houses, exhibition halls, skating rinks, gymnasiums, poolrooms, nightclubs, meeting rooms, passenger rooms, recreation piers, restaurants, churches, and all other similar uses.

(2) Educational and institutional occupancy: Schools, jails, prisons, reformatories, asylums, and all other similar uses.

(3) Storage and business occupancy: Warehouses, storage buildings, freight depots, public garages, gasoline service stations, aircraft hangars, retail stores, shops, salesrooms, markets, office buildings, banks, civic administration buildings, telephone exchanges, museums, art galleries, libraries, and all other similar uses.

(4) Residential occupancy: Hotels, motels, apartment hotels, apartment houses, bungalow courts, roominghouses, dormitories, fraternity houses, sorority houses, monasteries, and all other similar uses.

History.—s. 3, ch. 74-292, s. 1, ch. 75-85, s. 3, ch. 78-333.

553.48 Accessibility features required of new buildings; exceptions.—

(1) For the purposes of this part, a new building shall be considered to be one which is not under construction contract on October 1, 1974.

(2) All new buildings as defined in this part, except those exempted pursuant to subsection (3), which the general public may frequent, live in, or work in shall be made accessible as required in this section:

(a) Where accessibility is required, paths shall be provided for the physically disabled or handicapped and shall be unobstructed and devoid of curbs, stairs, or other abrupt changes in elevation.

(b) Ramps, where provided along such paths, shall slope not more than 1 inch vertically in 12 inches horizontally.

(c) Corridors, including such paths, shall be not less than 44 inches between walls, when part of a required means of egress.

(d) Single leaf walk-through swinging doors and one leaf of manually operated multiple leaf swinging doors shall be not less than 32 inches in width.

(e) All other walk-through openings shall provide not less than 29 inches in clear width.

(f) Accessibility to such buildings shall be provided from rights-of-way and parking areas by means of curb-cuts or ramps, or both, to at least one entrance generally used by the public and from such entrance to elevators, where provided.

(g) Accessibility shall be provided in such buildings at each floor and at ground floor level, except as provided in subsection (3).

(h) Required restrooms shall be made accessible, except as provided in this subsection, and each shall be provided with at least one accessible toilet stall complying with the standard set forth in paragraph (l). Access to such restrooms shall be marked by readily visible signs or symbols in all cases where the accessible restrooms are not immediately visible from all public areas on each floor.

553.47

Building classifications.

553.48

Paths, ramps, corridors,
elevators, restrooms.

ACCESSIBILITY

(i) Restroom vestibules providing screens or a series of doors shall have an unobstructed width of not less than 4 feet and an unobstructed length of not less than 5 feet.

(j) Restrooms made accessible to the handicapped shall provide an unobstructed passage 44 inches wide for wheelchairs to approach accessible toilet facilities and a space not less than 5 feet in diameter for 180-degree turns.

(k) Changes in level in excess of 1/2 inch at doorways requiring accessibility shall be ramped.

(l) The mandatory portions of the standard "Making Buildings and Facilities Accessible to and Usable by the Physically Handicapped," of the American National Standards Institute, ANSI A117.1, except as modified by this part, and except as otherwise provided in s. 399.035 relating to the accessibility of passenger elevators to the physically handicapped, are hereby adopted.

(3) The following exceptions shall apply to the accessibility features required of new buildings under this section. However, nothing in this subsection shall be construed to prohibit incorporation of the features required in subsection (2) in any building exempted in this subsection.

(a) In building maintenance and storage areas where only employees have occasion to enter and within which the work cannot reasonably be performed by the handicapped, the provisions of this part need not apply unless such areas provide the only path between areas normally used by the handicapped.

(b) Buildings having accessibility at habitable grade levels where no elevator is provided shall not be required to comply with the provisions of this part at floors above such levels if facilities normally sought and used by the public in such buildings are accessible to and usable by the physically handicapped at such habitable grade levels.

(c) Residential occupancies: Two-story and three-story buildings with less than 49 units, having accessibility at habitable grade levels, shall not be required to comply with the provisions of this part at floors above such levels except where an elevator is provided. Twenty-five percent of the total number of living units shall comply with the provisions of this part; provided that accessory facilities such as pools, patios, sauna rooms, recreational buildings, laundry rooms, and similar areas shall comply with the provisions of subsection (2).

(d) Within living units, hallways having no walk-through openings in the sidewalls may be less than 44 inches wide, but shall not be less than 36 inches wide.

(e) Within living units, toilet rooms providing 29-inch clear passage need not comply with the provisions of this section.

(f) Single-family dwellings and duplexes shall be exempted from this part.

(g) Handrails shall not be required on ramps 7 feet or less that are integral with walkways, platforms, courtyards, or other paved areas, where the sides of such ramps are protected by curbs or flared sides.

History.—s. 4, ch. 74-292; s. 2, ch. 75-85; ss. 2, 4, ch. 78-235; s. 3, ch. 78-333.
Note.—As amended by ss. 2, 4, ch. 78-235, effective October 1, 1978.

ACCESSIBILITY

553.49 Modifications and waivers; advisory committee.—

(1) The Florida Board of Building Codes and Standards shall provide by regulation criteria for granting individual modifications of, or exceptions from, the literal requirements of this part upon a determination of unnecessary or extreme hardship, provided such waivers shall not violate federal accessibility laws and regulations and shall be reviewed by an advisory committee consisting of the following four members: Executive Director, Governor's Committee on Employment of the Handicapped; Director, Division of Blind Services; Director, Office of Vocational Rehabilitation; and President, Florida Council of Handicapped Organizations; or their designees. Upon application made in the form provided, an individual waiver or modification may be granted by the board so long as such modification or waiver is not in conflict with more stringent standards provided in another chapter.

(2) Meetings of the advisory committee shall be held in conjunction with the regular quarterly meetings of the board.

History.—s. 3, ch. 78-333.

Contact point:
Building within cities--
City Inspectors. Buildings
outside of incorporated
areas--County Inspectors.

193.623 Assessment of building
renovations for accessibility to
the physically handicapped.

193.623
See: Exemptions--Accessibility
page 14.

ACCESSIBILITY

335.075 Uniform minimum standards for design, construction, etc.; advisory committees.—

(1) The Department of Transportation shall develop and adopt uniform minimum standards and criteria for the design, construction, and maintenance of all public streets, roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks, where feasible, bicycle trails, underpasses, and overpasses used by the public for vehicular and pedestrian traffic. The minimum standards adopted shall include a requirement that permanent curb ramps be provided at crosswalks at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to crosswalks.

(2) An advisory committee of professional engineers employed by any city or any county in each transportation district to aid in the development of such standards shall be appointed by the Secretary of Transportation. Such committee shall be composed of: One member representing an urban center within each district; one member representing a rural area within each district; and one member employed by the Department of Transportation for each district.

(3) Notwithstanding the provisions of any general or special law to the contrary, all plans and specifications for the construction of public streets and roads by any municipality or county shall provide for permanent curb ramps at crosswalks at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to crosswalks.

(4) Each county shall have a professional engineer who is registered in Florida certify that all design, construction, and maintenance for each project is in substantial conformance with the standards established pursuant to subsection (1) that are then in effect.

History.—s. 1, ch. 72-328; ss. 2, 3, ch. 73-58; ss. 1, 2, ch. 74-242; s. 8, ch. 77-165; s. 1, ch. 78-398.

335.075

Minimum standards for design

Contact point:

Department of Transportation

904-488-1234

to determine which transportation district your community is in.

ACCESSIBILITY

399.035 Passenger elevator accessibility requirements for the physically handicapped.—

(1) Passenger elevators in buildings on which construction is begun after October 1, 1978, shall be made accessible to physically handicapped persons in accordance with the standard "Suggested Minimum Passenger Elevator Requirements for the Handicapped" of the National Elevator Industry, Inc. (July 1976 edition, as revised May 1977), with the following exceptions:

(a) Floor level numbers or letters, essential control designation symbols, and communication system identification markings on the inside control panel of the elevator car shall be raised a minimum of .025 inch, and a Braille symbol which is raised a minimum of .025 inch shall be placed directly adjacent to each such control marking and at a minimum of 15 inches in height. No control marking may be recessed.

(b) In a building having one or more passenger elevators which do not provide access to every floor level, every pair of passenger elevator hallway call buttons in the building shall be marked with Arabic and Braille symbols which indicate floor levels to which access is provided. Such symbols shall be placed directly above each pair of call buttons. In all other buildings, hallway call buttons need not be marked with Arabic or Braille symbols.

(c) Door jamb markings shall be a minimum of 2 inches high and raised a minimum of .025 inch.

(d) Each elevator shall have a handrail on one wall, preferably the rear wall. The rail shall be smooth with no sharp edges and shall not be more than 1½ inches wide. Its minimum length shall be 1 inch less than the width of the car wall. The inside surface of the rail shall be 1½ inches clear of the car wall. The distance from the top of the rail to the car floor shall be at least 31 inches and not more than 33 inches. Padded or tufted material or decorative materials such as wallpaper, vinyl, cloth, or the like shall not be used on handrails.

(e) Each passenger elevator in a building covered by this section shall be available for the use at all times by authorized persons to assist the physically handicapped in the event of emergency evacuation. All the requirements of rules 211.3 and 211.4 of the American National Standards Institute standard ANSI 17.1b-1973 shall be complied with to meet the requirements of this paragraph.

(f) Any building more than three stories high shall contain at least one conveniently located passenger elevator which will accommodate an ambulance stretcher 76 inches long and 24 inches wide in the horizontal position.

(g) The exception provided in the "Suggested Minimum Passenger Elevator Requirements for the Handicapped" in paragraph 6 of the standard for elevators in schools, institutions, or other buildings specifically authorized by local authorities is not applicable in this state.

(2) This section supersedes all other state laws and regulations and local ordinances and regulations affecting the accessibility of passenger elevators to the physically handicapped, and the standards established by this section may not be modified by municipal or county ordinance.

History.—s 1, ch 78-236
Note.—Effective October 1, 1978

399.035

Passenger elevator accessibility requirements for the handicapped.

Contact point:
Department of Business
Regulation, Division of
Hotels and Restaurants.

ACCESSIBILITY

255.21 Special facilities for physically disabled.—

(1) Any building or facility intended for use by the general public which, in whole or in part, is constructed or altered, or operated as a lessee, by or on behalf of the state or any political subdivision, municipality, or special district thereof or any public administrative board or authority of the state shall, with respect to the altered or newly constructed or leased portion of such building or facility, comply with standards and specifications established by the Department of General Services under this section. If any building or facility subject to the provisions of this section is remodeled and the cost of such remodeling exceeds 50 percent of the building's fair market value, the entire building must conform to the standards and specifications established by the Department of General Services under this section. If any such building or facility is remodeled and the cost of remodeling is between 20 percent and 50 percent of the building's fair market value, the remodeled part of the building must conform to the standards and specifications. If the remodeling cost is less than 20 percent of the building's fair market value, only the doors, entrances, exits, and public toilet rooms in the remodeled part of the building must conform to the standards and specifications. If the remodeling cost is less than 20 percent of the building's fair market value and:

(a) The remodeling does not alter any load-bearing structure, or

(b) The remodeling is only for the purpose of decor or maintenance,

then this section shall not apply. This section shall not apply to buildings or facilities existing on October 1, 1973 except as to alterations or new leases.

(2) The Department of General Services shall provide by regulation such standards for the design, construction, and alteration of such buildings as may be necessary to insure that physically handicapped persons will have ready access to, and use of, such buildings. Such regulations:

(a) Shall adhere to the standards for such buildings or facilities prescribed from time to time by the United States of America Standards Institute.

(b) May be modified or waived in individual cases upon application made in the form provided and upon a determination by the authorized agency that:

1. The general public and the physically disabled will not, except under extraordinary circumstances, be users of the facility or the services of the agency or agencies housed therein, or

2. The services or activities which would be housed in the facility covered by the application for modification or waiver are housed to the extent necessary to serve the physically disabled in other facilities which do conform to the standards and specifications established by the department,

255.21/255.211

Accessibility in public buildings-
special facilities for physically
handicapped.

ACCESSIBILITY

or for other reasons in the discretion of the department.

¹(3) Each county or municipality, with respect to county or municipal buildings; the Department of Education, with respect to public schools and community colleges; the Department of General Services, with respect to state buildings; and each state agency, with respect to private sector leased space, shall be responsible for insuring compliance with the rules promulgated by the Department of General Services.

¹(4) Each state agency may conduct surveys and investigations which it deems necessary to insure compliance with this section.

¹(5) Each state agency shall provide by rule for the establishment of a committee, to include at least one consumer member not employed by the agency, to consider modification or waiver requests provided for in subsection (2).

History.—s. 1, ch. 65-493; s. 1, ch. 72-281; s. 1, ch. 73-255; s. 82, ch. 77-104; s. 1, ch. 78-166.

¹Note.—Subsections (3) and (4), as amended, and (5), as created, effective October 1, 1978.

255.211 Special symbol may be displayed.—
All state-owned buildings providing facilities for wheelchair users, including, but not limited to, entrance and exit facilities, shall display at all entrances the internationally recognized symbol for wheelchair users.

History.—s. 1, ch. 70-403

Contact point:

Responsibility for compliance with regulations: County or municipality buildings (county or municipal government); Schools and community colleges (Department of Education); State buildings (Department of General Services).

ACCESSIBILITY

286.26 Accessibility of public meetings to the physically handicapped.—Whenever any board or commission of any state agency or authority, or of any agency or authority of any county, municipal corporation, or other political subdivision, which has scheduled a meeting at which official acts are to be taken, receives, at least 7 days prior to the meeting, a written request by a physically handicapped person to attend the meeting, '[directed] to the chairperson or director of such board, commission, agency, or authority, '[such chairperson or director] shall provide a manner by which such person may attend the meeting at its scheduled site or reschedule the meeting to a site which would be accessible to such person.

History.—s. 1, ch. 77-277.

'Note.—Bracketed word inserted by the editors.

***Note.**—Bracketed language substituted for "who" by the editors.

335.075 Uniform minimum standards for design, construction, etc.; advisory committees.—

(1) The Department of Transportation shall develop and adopt uniform minimum standards and criteria for the design, construction, and maintenance of all public streets, roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks, where feasible, bicycle trails, underpasses, and overpasses used by the public for vehicular and pedestrian traffic. The minimum standards adopted shall include a requirement that permanent curb ramps be provided at crosswalks at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to crosswalks.

(2) An advisory committee of professional engineers employed by any city or any county in each transportation district to aid in the development of such standards shall be appointed by the Secretary of Transportation. Such committee shall be composed of: One member representing an urban center within each district; one member representing a rural area within each district; and one member employed by the Department of Transportation for each district.

(3) Notwithstanding the provisions of any general or special law to the contrary, all plans and specifications for the construction of public streets and roads by any municipality or county shall provide for permanent curb ramps at crosswalks at all intersections where curbs and sidewalks are constructed in order to give handicapped persons and persons in wheelchairs safe access to crosswalks.

(4) Each county shall have a professional engineer who is registered in Florida certify that all design, construction, and maintenance for each project is in substantial conformance with the standards established pursuant to subsection (1) that are then in effect.

History.—s. 1, ch. 72-328; ss. 2, 3, ch. 73-58, ss. 1, 2, ch. 74-242, s. 8, ch. 77-165; s. 1, ch. 78-398

286.26

Access to public meetings.

Contact point:

State Attorney's Office (listed in telephone book under Florida, State of).

335, 075

Streets and sidewalk standards for curb ramps.

Contact point:

Department of Transportation-- District Office.

ACCESSIBILITY

101.715 Accessibility of polling places to the elderly and physically handicapped.--

(1) Each polling place shall be accessible to, and usable by, elderly persons and by physically handicapped persons by complying, when necessary, with the following standards of accessibility:

(a) Doors, entrances, and exits used to gain access to, or egress from, the polling place shall have a minimum width of 29 inches.

(b) Any curb adjacent to the main entrance to a polling place shall have curb cuts or temporary ramps.

(c) Any stairs necessarily used to enter the polling place shall have a temporary handrail and ramp.

(d) At the polling place, no barrier shall impede the path of the physically handicapped to the voting booth.

(2) Polling places which are of a temporary nature are exempt from compliance with s. 255.21.

(3) Each supervisor of elections shall only select as polling places, sites which meet the standards of accessibility prescribed in subsection (1), except that the supervisor may select a site not meeting the standards if:

(a) No acceptable and accessible site exists within the precinct or other designated voting area; and

(b) It is anticipated that the site will be brought into compliance with such standards in the foreseeable future, or the site will be temporarily made to comply with the standards for the time during which the polls are open.

(4) Any supervisor of elections who selects as a polling place a site which does not meet the standards prescribed in subsection (1) shall report such selection to the board of county commissioners. The report shall expressly state that the supervisor has determined that such polling place can be made accessible to, and usable by, elderly persons and by physically handicapped persons in the foreseeable future by affirmative governmental action.

(5) Each board of county commissioners which receives a report from a supervisor pursuant to subsection (4) shall take affirmative action to bring the selected polling place into compliance with the standards prescribed in subsection (1).

(6) Each district school board and each municipality shall cooperate with the board of county commissioners in its respective county in implementing the provisions of this section.

History.--s. 1, ch. 76-50.

101.715

Elections--polling places accessibility.

Contact point:

Supervisor of Elections (county).

ACCOMMODATIONS/DOG GUIDES

(4) Deaf persons, blind persons, and visually handicapped persons shall be entitled to rent, lease, or purchase, as other members of the general public, all housing accommodations offered for rent, lease, or other compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

(a) "Housing accommodations" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but shall not include any single-family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(b) Nothing in this section shall require any person renting, leasing, or otherwise providing real property for compensation to modify his property in any way or provide a higher degree of care for a deaf person, blind person, or visually handicapped person than for a person who is not so handicapped.

(c) Every deaf person [or] totally or partially blind person who has a dog guide, or who obtains a dog guide, shall be entitled to full and equal access to all housing accommodations provided for in this section, and he shall not be required to pay extra compensation for such dog guide. However, he shall be liable for any damage done to the premises by such dog guide.

413.08 (4)(a)(b)(c)

Right to equal living accommodations for blind persons and guide dogs.

Contact point:

Local police department and
notify Director, Division of
Blind Services

State Headquarters

2571 Executive Center Cr., E.

Howard Building

Tallahassee, FL 32301

Telephone: (toll-free) 800-342-1828,

ACCOMMODATIONS, PUBLIC/DOG GUIDES

413.08 Equal accommodations for deaf, blind, and visually handicapped; unlawful to prohibit or interfere with: dog guide allowed to accompany.--

(1)(a) The deaf, blind, and visually handicapped are entitled to full and equal accommodations, advantages, facilities, and privileges on all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation and at hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(b) Every deaf person and totally or partially blind person shall have the right to be accompanied by a dog guide, especially trained for the purpose, in any of the places listed in paragraph (a) without being required to pay an extra charge for the dog guide; however, he shall be liable for any damage done to the premises or facilities by such dog.

(2) Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies, or interferes with, admittance to, or enjoyment of, the public facilities enumerated in subsection (1) or otherwise interferes with the rights of a deaf or totally or partially blind person under this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Sales Tax Exemptions on dog guides.

413.08 (1)(2)

Right to equal privileges.
Access to individuals
accompanied by dog guide
cannot be denied.

Contact point:

Local police department; also
notify Director, Division of
Blind Services
State Headquarters
2571 Executive Center Cr., E
Howard Building
Tallahassee, FL 32301
Telephone: (toll-free)
800-342-1828.

See: Exemptions--Guide dogs
for the blind, page

ELECTIONS

97.063 Eligibility for absentee registration.—

(1) The following persons shall be entitled to register absentee if qualified pursuant to s. 97.041 and as otherwise provided by law:

(e) Residents of the state who are physically disabled ²and unable to register in person.

APPLICATION FOR ABSENTEE REGISTRATION

I,, being first duly sworn, on oath say that I am a citizen of the United States and eligible to become a legal voter in the State of Florida; that my legal residence is Street (or Avenue) in the municipality of, County of; that I have not been and will not be able to register personally for the reason that; that my full name is; that I was born on at; that, if I was born in a foreign country, I obtained citizenship by means of; that my sex is; that my race is; that my party affiliation is; that I desire a registration certificate be mailed to me at; and I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, that I am 18 years of age, or will have attained the age of 18 on or before the election, and that I am qualified to vote under the Constitution and laws of the State of Florida; that if I am currently registered in another county or state, my registration in County, State of is recorded at the following address:

(Registering Official)

..... (Street) , (City) , (State) .

..... (Signature).....

Sworn to and subscribed to before me this day
of, 19.....

..... (Signature and title of person administering oath).....

or the signatures of two registered voters of County,
Florida:.....

.....
(7) Upon the return of the application for absentee registration form, the supervisor shall properly register the applicant's name in the registration books of the county and maintain on file, as the basis for such registration, the properly filled out form received from the applicant; provided no absentee registrations shall be accepted when the registration books are closed.

97.063

Right to vote absentee.

Contact point:

Supervisor of elections (county)

ELECTIONS

97.061 Special registration for electors requiring assistance.—

(1) Any person who is otherwise eligible to register but who is unable to read or write or who, because of some physical disability likely to continue for a prolonged period of time, needs assistance in voting shall upon his request be registered by the supervisor under the procedure prescribed by this section and shall be entitled to receive assistance at the polls under the conditions prescribed by this section.

(2) The supervisor, upon finding that a person is qualified to register pursuant to this section, shall enter in his registration record a specific description of the particular disabling impairment and a precise, accurate, and full description of the physical appearance of the person, giving, in addition to the information required of all other electors, the person's weight, height, color of eyes, description of hair, complexion, and any other distinguishing characteristic which would be of assistance in establishing his identity.

(3) Upon registering any person pursuant to this section, the supervisor shall make a notation on the registration books or records which are delivered to the polls on election day that such person is eligible for assistance in voting, and the supervisor may issue such person a special registration identification card or make some notation on the regular registration identification card that such person is eligible for assistance in voting. Such person shall be entitled to receive the assistance of two election officials or some other person of his own choice who has not previously so acted for more than one other person during the election, without the necessity of executing the "Declaration to Secure Assistance" prescribed in s. 101.051. Such person shall notify the supervisor of any change in his condition which makes it unnecessary for him to receive assistance in voting.

History.—s. 14, ch. 6469, 1913, RGS 318, CGL 375, s. 3, ch. 25388, 1943, s. 6, ch. 25391, 1949, s. 1, ch. 26770, 1971, s. 3, ch. 28176, 1983, s. 1, ch. 59446, s. 1, ch. 61358, s. 4, ch. 6560, s. 3, ch. 77175.

***Note.**—As amended, effective January 1, 1978.

Note.—Former ss. 97.06 and 102.21.

97.061

Special registration certificate.

Contact point:

Supervisor of Elections (county).

ELECTIONS

'101.051 Examination by election board of electors seeking assistance; form to be executed; assistance to electors in casting ballots; forms to be furnished.—

(1) Any elector applying to vote in any election who is unable to read or write or who, because of some physical disability, needs assistance in voting may request assistance of two election officials or some other person of his own choice, who has not previously so acted for more than one other person during the election, to assist him in casting his vote. Any such elector, before retiring to the voting booth, may have one of the election officials read over to him, without suggestion or interference, the titles of the offices to be filled and the candidates therefor and the issues on the ballot. After the elector requests the aid of the two election officials, or the person of his choice, they shall retire to the voting booth for the purpose of casting the elector's vote according to the elector's choice.

(2) It shall be unlawful for any person to be in the voting booth with any elector except as provided in subsection (1).

(3) Any elector applying to cast an absentee ballot in the office of the supervisor, in any election, who is unable to read or write or who, because of some physical disability, needs assistance in voting may request the assistance of some person of his own choice, who has not previously assisted more than one other person during the election, in casting his absentee ballot. However, no supervisor of elections or his deputies or members of his staff shall act in such capacity.

(4) If an elector needs assistance in voting pursuant to the provisions of this section, the clerk or one of the inspectors shall require the elector requesting assistance in voting to take the following oath:

DECLARATION TO SECURE ASSISTANCE

State of Florida

County of

Date

Precinct

I, (Print name), swear or affirm that I am a registered elector and request assistance from (Print names) in voting at the (name of election) held on (date of election) for the following reason

.....

.....
..... (Signature of voter)

Sworn and subscribed to before me this day of, 19.....

..... (Signature of Official Administering Oath)

(5) The supervisor of elections shall deliver a sufficient number of these forms to each precinct, along with other election paraphernalia.

History.—s. 3, ch. 22018, 1943; s. 5, ch. 26870, 1951; s. 2, ch. 59-446; s. 1, ch. 65-380, s. 2, ch. 65-60; s. 13, ch. 77-175.

*Note.—As amended, effective January 1, 1978.

Note.—Former s. 100.36.

101.051

Assistance in voting--
procedure for eligibility.

Contact point:

Supervisor of Elections (county

EMPLOYMENT

(3) It is the policy of this state that the deaf, blind, visually handicapped, and otherwise physically disabled shall be employed in the service of the state or political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds, and no employer shall refuse employment to the deaf, blind, the visually handicapped, or the otherwise physically disabled on the basis of the disability alone, unless it is shown that the particular disability prevents the satisfactory performance of the work involved.

(5) Any employer covered under subsection (3) who discriminates against the deaf, blind, visually handicapped, or otherwise physically disabled in employment, unless it is shown that the particular disability prevents the satisfactory performance of the work involved, or any person, firm, or corporation, or the agent of any person, firm, or corporation, providing housing accommodations as provided in subsection (4) who discriminates against the deaf, blind, visually handicapped, or otherwise physically disabled is guilty of a misdemeanor of the second degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

775.082 Penalties.—

(4) A person who has been convicted of a designated misdemeanor may be sentenced as follows:

(b) For a misdemeanor of the second degree, by a definite term of imprisonment not exceeding 60 days.

775.083 Fines.—

(1) A person who has been convicted of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment described in s. 775.082; when specifically authorized by statute, he may be sentenced to pay a fine in lieu of any punishment described in s. 775.082. A person who has been convicted of a noncriminal violation may be sentenced to pay a fine. Fines for designated crimes and for noncriminal violations shall not exceed:

(e) \$500, when the conviction is of a misdemeanor of the second degree or a noncriminal violation.

413.08

Job refusal on disability alone prohibited.

Contact point:
Division of Blind Services
(blindness), telephone:
(toll-free) 800-342-1828
Division of Vocational
Rehabilitation (physical
handicaps), telephone:
(904) 488-6210.

EMPLOYMENT

FLORIDA HUMAN RELATIONS

- 13.201 Purposes; construction; title.
- 13.211 Definitions.
- 13.221 Commission on Human Relations; staff.
- 13.231 Commission on Human Relations, assigned to Department of Community Affairs.
- 13.241 Functions of the commission.
- 13.251 Powers of the commission.
- 13.261 Unlawful employment practices; remedies; construction.

13.201 Purposes; construction; title.—

(1) Part II of this chapter shall be cited as the Human Rights Act of 1977.

(2) The general purposes of part II are to secure for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status and thereby to protect their interest in personal dignity, to make available to the state their full productive capacities, to secure the state against domestic strife and unrest, to preserve the public safety, health, and general welfare, and to promote the interests, rights and privileges of individuals within the state.

(3) This part shall be construed according to the fair import of its terms and shall be liberally construed to further the general purposes stated in this section and the special purposes of the particular provision involved.

History.—s 1, ch 69-287, s 1, ch 72-48, s 1, ch 77-341

13.211 Definitions.—For the purposes of this part:

(1) "Commission" means the Commission on Human Relations created by this part.

(2) "Commissioner" or "member" means a member of the commission.

(3) "Discriminatory practice" means any practice made unlawful by this part.

(4) "National origin" includes ancestry.

(5) "Person" includes an individual, association, corporation, joint apprenticeship committee, joint-stock company, labor union, legal representative, mutual company, partnership, receiver, trust, trustee in bankruptcy, unincorporated organization; any other legal or commercial entity, the state, or any governmental entity or agency.

(6) "Employer" means any person employing 15 or more employees for each working day in each of 20 or more calendar weeks in the current or [preceding] calendar year, and any agent of such a person.

(7) "Employment agency" means any person regularly undertaking, with or without compensation, to procure employees for an employer or to procure for employees opportunities to work for an employer, and includes an agent of such a person.

(8) "Labor organization" means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or other mutual aid or protection in connection with employment.

History.—s 2, ch 69-287, s 2, ch 72-48, s 2, ch 77-341.

189 "Note.—Bracketed word substituted by the editors for the word "preceding."

13.201/13.211/13.221/13.231/
13.241/13.251/13.261
Discrimination in employment
prohibited.

EMPLOYMENT

13.221 Commission on Human Relations; staff.—

(1) There is hereby created the Florida Commission on Human Relations, comprised of 12 members appointed by the Governor, subject to confirmation by the Senate. The commission shall select one of its members to serve as chairperson for terms of 2 years.

(2) The members of the commission shall be broadly representative of various racial, religious, ethnic, social, economic, political, and professional groups within the state.

(3) Commissioners shall serve for terms of 4 years; however, of those members first appointed, three shall be appointed for terms to expire September 30, 1981; three shall be appointed for terms to expire September 30, 1980; three shall be appointed for terms to expire September 30, 1979; and three shall be appointed for terms to expire September 30, 1978. A member chosen to fill a vacancy otherwise than by expiration of term shall be appointed for the unexpired term of the member whom such appointee is to succeed. A member of the commission shall be eligible for reappointment. A vacancy in the commission shall not impair the right of the remaining members to exercise the powers of the commission.

(4) The Governor may suspend a member of the commission only for cause, subject to removal or reinstatement by the Senate.

(5) Seven members shall constitute a quorum for the conduct of business; however, the commission may establish panels of not less than three of its members to exercise its powers under s. 13.251(5), subject to such procedures and limitations as the commission may provide by rule.

(6) Each commissioner shall be entitled to receive per diem and travel expenses as provided by s. 112.061.

(7) The commission shall appoint, and may remove, an executive director who, with the consent of the commission, may employ a deputy, attorneys, investigators, clerks, and such other personnel as may be necessary adequately to perform the functions of the commission, within budgetary limitations.

History.—s. 3, ch. 69-287; s. 1, ch. 70-438; s. 3, ch. 77-341.

13.231 Commission on Human Relations, assigned to Department of Community Affairs.—The commission created by this part is assigned to the Department of Community Affairs.

History.—s. 7, ch. 69-287.

13.241 Functions of the commission.—The commission shall promote and encourage fair treatment and equal opportunity for all persons regardless of race, color, religion, sex, national origin, age, handicap, or marital status and mutual understanding and respect among all members '[of] all economic, social, racial, religious, and ethnic groups; and shall endeavor to eliminate discrimination against, and antagonism between, religious, racial, and ethnic groups and their members.

History.—s. 4, ch. 69-287; s. 4, ch. 77-341.

Note.—Bracketed word inserted by the editors.
cf.—s. 20.18 Department of Community Affairs

13.251 Powers of the commission.—Within the limitations provided by law, the commission shall have the following powers:

(1) To maintain an office in the City of Tallahassee.

(2) To meet and exercise its powers at any place within the state.

EMPLOYMENT

(3) To promote the creation of, and to provide continuing technical assistance to, local commissions on human relations and to cooperate with individuals and state, local, and other agencies, both public and private, including agencies of the federal government and of other states.

(4) To accept gifts, bequests, grants, or other payments, public or private, to help finance its activities.

(5) To receive, initiate, investigate, seek to conciliate, hold hearings on, and act upon complaints alleging any discriminatory practice, as defined by this part.

(6) To hold hearings to determine the facts about instances of discrimination or intergroup tensions.

(7) To administer oaths, subpoena witnesses, and compel production of evidence pertaining to any hearing convened pursuant to subsection (5). The authority granted by this subsection may be delegated by the commission, for investigations or hearings, to a commissioner, a panel of commissioners established under § 13-221(5), or the executive director. In the case of a refusal to obey a subpoena issued to any person, the commission may make application to any circuit court of this state, which shall have jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony concerning the matter in question. Failure to obey the order may be punished by the court as contempt.

(8) To recommend methods for elimination of discrimination and intergroup tensions and to use its best efforts to secure compliance with its recommendations.

(9) To furnish technical assistance requested by persons to facilitate progress in human relations.

(10) To make or arrange for studies appropriate to effectuate the purposes and policies of this part and to make the results thereof available to the public.

(11) To become a deferral agency for the Federal Government and to comply with the necessary federal regulations to effect this part.

(12) To render, at least annually, a comprehensive written report to the Governor and the Legislature. The report may contain recommendations of the commission for legislation or other action to effectuate the purposes and policies of this part.

(13) To adopt, promulgate, amend, and rescind rules to effectuate the purposes and policies of this part and govern the proceedings of the commission, in accordance with chapter 120.

History.—§ 5, ch. 62-147, § 3, ch. 72-48, § 1, ch. 75-232, § 5, ch. 77-341

13.261 Unlawful employment practices; remedies; construction.—

(1) It is an unlawful employment practice for an employer:

(a) To discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status.

(b) To limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or adversely affect any individual's status as an employee, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status.

EMPLOYMENT

(2) It is an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of race, color, religion, sex, national origin, age, handicap, or marital status or to classify or refer for employment any individual on the basis of race, color, religion, sex, national origin, age, handicap, or marital status.

(3) It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any individual because of race, color, religion, sex, national origin, age, handicap, or marital status.

(b) To limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or adversely affect any individual's status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status.

(c) To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(4) It is an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual because of race, color, religion, sex, national origin, age, handicap, or marital status in admission to, or employment in, any program established to provide apprenticeship or other training.

(5) Whenever, in order to engage in a profession, occupation, or trade, it is required that a person receive a license, certification, or other credential, become a member or an associate of any club, association, or other organization, or pass any examination, it is an unlawful employment practice for any person to discriminate against any other person seeking such license, certification, or other credential, seeking to become a member or associate of such club, association, or other organization, or seeking to take or pass such examination, because of such other person's race, color, religion, sex, national origin, age, handicap, or marital status.

(6) It is an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee to print, or cause to be printed or published, any notice or advertisement relating to employment, membership, classification, referral for employment, or apprenticeship or other training, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, national origin, age, absence of handicap, or marital status.

(7) It is an unlawful employment practice for an employer, an employment agency, a joint labor-management committee, or a labor organization to discriminate against any person because that person has opposed any practice which is an unlawful employment practice under this section, or because that person has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.

EMPLOYMENT

(8) Notwithstanding any other provision of this section, it is not an unlawful employment practice under this part for an employer, employment agency, labor organization, or joint labor-management committee to:

(a) Take or fail to take any action on the basis of religion, sex, national origin, age, handicap, or marital status in those certain instances in which religion, sex, national origin, age, absence of a particular handicap, or marital status is a bona fide occupational qualification reasonably necessary for the performance of the particular employment to which such action or inaction is related.

(b) Observe the terms of a bona fide seniority system, a bona fide employee benefit plan such as a retirement, pension, or insurance plan, or a system which measures earnings by quantity or quality of production, which is not designed, intended, or used to evade the purposes of this part. However, no such employee benefit plan or system which measures earnings shall excuse the failure to hire, and no such seniority system, employee benefit plan, or system which measures earnings shall excuse the involuntary retirement of, any individual on the basis of any factor not related to the ability of such individual to perform the particular employment for which such individual has applied or in which such individual is engaged; except that, with respect to employees who are not protected by s. 112.044, it is not unlawful under this part to involuntarily retire an employee, on the basis of age, pursuant to the terms of such a bona fide employee benefit plan, to the extent that such involuntary retirement is otherwise permitted by the federal Age Discrimination in Employment Act of 1967, as amended by the Age Discrimination in Employment Act Amendments of 1978 (Pub. L. No. 95-256). In the application of the preceding sentence, the definitions established by s. 13.211 shall be substituted in the place of conflicting definitions established by s. 11 of the federal Age Discrimination in Employment Act of 1967, as amended.

(c) Take or fail to take any action on the basis of age, pursuant to law or regulation governing any employment or training program designed to benefit persons of a particular age group.

(9) Each employer, employment agency, and labor organization shall post and keep posted in conspicuous places upon its premises a notice provided by the commission setting forth such information as the commission deems appropriate to effectuate the purposes of this part.

(10) Any person aggrieved by a violation of this section may file a complaint with the commission within 180 days of the alleged violation, naming the employer, employment agency, labor organization, or joint labor-management committee, or, in the case of an alleged violation of subsection (5), the person, responsible for the violation and describing the violation. The commission, a commissioner, or the Attorney General may in like manner file such a complaint.

EMPLOYMENT

(11)(a) In the event that any other agency of the state or of any other unit of government of the state has jurisdiction of the subject matter of any complaint filed with the commission and has legal authority to investigate or act upon the complaint, the commission may refer such complaint to such agency. Referral of such a complaint by the commission shall not constitute agency action within the meaning of s. 120.52(2). In the event of any referral under this subsection, the commission shall accord substantial weight to final findings and orders of any such agency.

(b) If any such agency has legal authority to investigate such a complaint and to provide relief substantially identical to that available under this section, the commission may provide by rule, in accordance with criteria established by rule, that all such complaints shall be deferred to such agency. In the event that such agency, within 20 days of deferral of such a complaint, gives notice to the commission that the agency accepts jurisdiction of the complaint, the commission shall cease to have jurisdiction of the complaint.

(12) In the event that the commission fails to conciliate or take final action on any complaint under this section within 180 days of filing, an aggrieved person may bring a civil action against the named employer, employment agency, labor organization, or joint labor-management committee¹, or, in the case of an alleged violation of subsection (5), the person,] in any court of competent jurisdiction. The commencement of such action shall divest the commission of jurisdiction of such complaint, except that the commission may intervene as a matter of right.

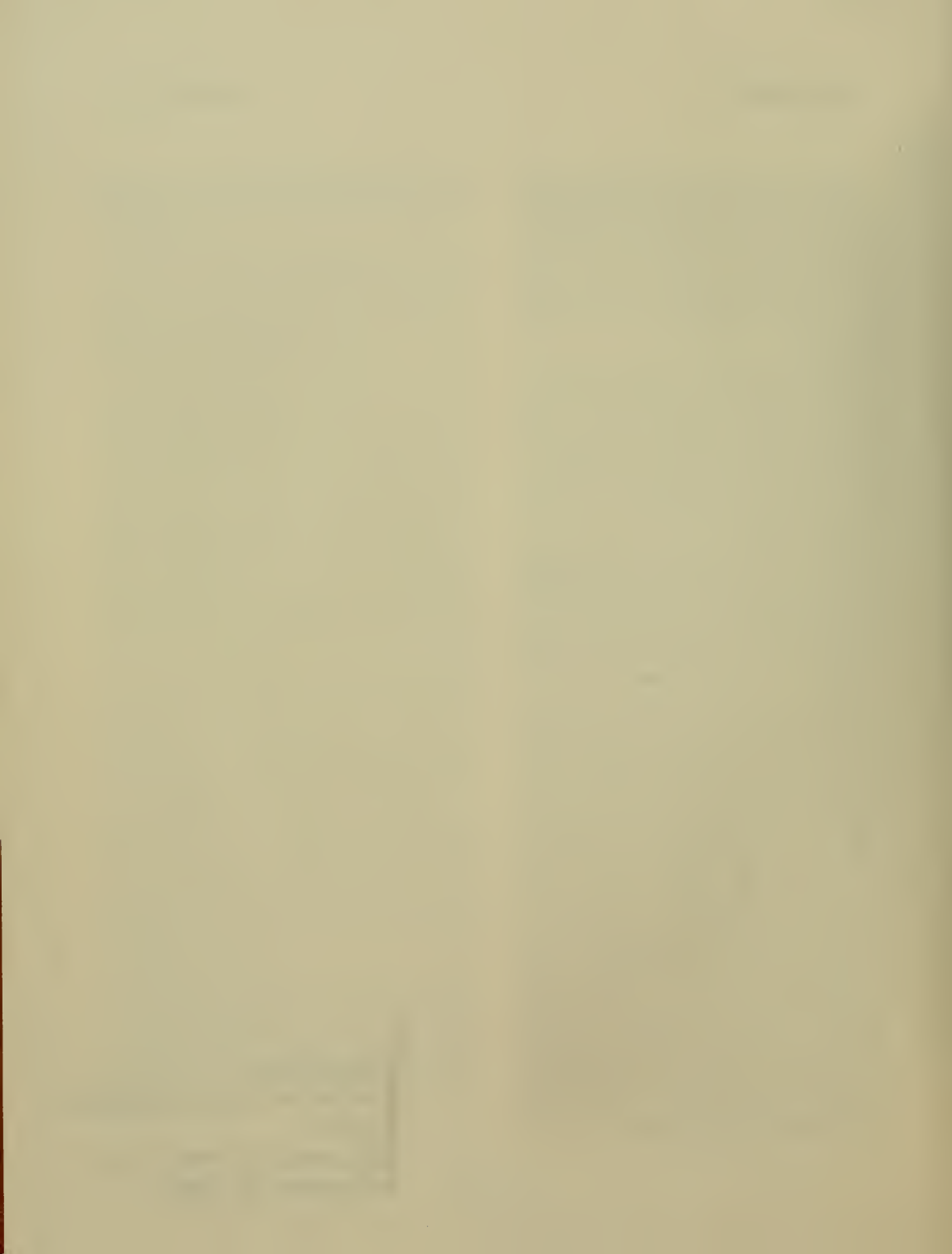
(13) In the event that the commission, in the case of a complaint under subsection (10), or the court, in the case of a civil action under subsection (12), finds that an unlawful employment practice has occurred, it shall issue an order prohibiting the practice and providing affirmative relief from the effects of the practice, including reasonable attorney's fees. Upon such notice as the commission or the court, as appropriate, may require, such order, or any subsequent order upon the same complaint or action, may provide relief for all individuals aggrieved by any such unlawful employment practice. No liability for back pay shall accrue from a date more than 2 years prior to the filing of a complaint with the commission.

(14) All complaints filed with the commission under this part, and all records and documents in the custody of the commission, which relate to and identify a particular complainant, employer, employment agency, labor organization, or joint labor-management committee shall be confidential and shall not be disclosed by the commission, except to the parties or in the course of a hearing or proceeding under this part. The restriction of this subsection shall not apply to any record or document which is part of the record of any hearing or court proceeding.

History.—s. 6, ch. 77-341, s. 2, ch. 78-49.

¹Note.—The bracketed insertion conforms the subsection to House Amendment 7 to SB 1165. See p. #94, House Journal (1977).

Contact point:
Florida Commission on Human
Relations
2571 Executive Center, Cr. E.
Tallahassee, FL 32301



EXEMPTIONS

193.623 Assessment of building renovations for accessibility to the physically handicapped.
—Any taxpayer who renovates an existing building or facility owned by such taxpayer in order to permit physically handicapped persons to enter and leave such building or facility or to have effective use of the accommodations and facilities therein shall, for the purpose of assessment for ad valorem tax purposes, be deemed not to have increased the value of such building more than the market value of the materials used in such renovation, valued as salvage materials. "Building or facility" shall mean only a building or facility, or such part thereof, as is intended to be used, and is used, by the general public. The renovation required in order to entitle a taxpayer to the benefits of this section must include one or more of the following: the provision of ground level or ramped entrances and washroom and toilet facilities accessible to, and usable by, physically handicapped persons.

History.—s 1, ch. 76-144.

193.623

Accessibility--tax evaluation
Renovations for accessibility of
physically handicapped does
not increase value of building
for ad valorem tax purposes.

Contact point:

Tax Assessor (county).

EXEMPTIONS

205.162 Exemption allowed cripples, invalids, aged, etc.—

(1) All confirmed cripples or invalids physically incapable of manual labor, widows with minor dependents, and persons 60 years of age or older, with not more than 1 employee or helper, and who use their own capital only, not in excess of \$1,000, shall be allowed to engage in any business or occupation in counties in which they live without being required to pay for a license; except that this exemption shall not apply to any of the occupations specified in ss. 205.311 and 205.341. The exemption provided by this section shall be allowed only upon the certificate of the county physician, or other reputable physician, that the applicant claiming the exemption is a confirmed cripple or invalid, the nature and extent of the disability being specified therein, and in case the exemption is claimed by a widow with minor dependents, or a person over 65 years of age, proof of the right to the exemption shall be made. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof as aforesaid, be issued a license which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon.

(2) In no event under this or any other law shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a license to sell intoxicating liquors, malt and vinous beverages; or for the operation of any slot machine, punch board or any other gaming or gambling device.

History.—s. 1, ch. 67-434

205.162

Business license not required for people in special categories.

Contact point:

Occupational license office of municipality and/or county of residence.

EXEMPTIONS

205.171 Exemptions allowed disabled veterans of any war or their unmarried spouses.—

(1) Any bona fide, permanent resident elector of the state who served as an officer or enlisted person in the United States Air Force or Air Force Reserve, United States Army or Army Reserve, National Guard, United States Navy or Naval Reserve, United States Coast Guard or Coast Guard Reserve, or United States Marine Corps or Marine Corps Reserve, or any temporary members thereof, who have actually been, or may hereafter be, reassigned by the air force, army, navy, coast guard, or marines to active duty during any war, declared or undeclared, armed conflicts, crises, etc., since the Spanish-American War, beginning April 21, 1896, who was honorably discharged from the Service of the United States, and who at the time of his or her application for a license as hereinafter mentioned shall be disabled from performing manual labor shall, upon sufficient identification, proof of being a permanent resident elector in the state, and production of an honorable discharge from the Service of the United States during the aforesaid period of time, respectively:

(a) Be granted a license to engage in any business or occupation in the state which may be carried on mainly through the personal efforts of the licensee as a means of livelihood and for which the state, county, or municipal license does not exceed the sum of \$50 for each without payment of any license tax otherwise provided for by law; or

(b) Be entitled to an exemption to the extent of \$50 on any license to engage in any business or occupation in the state which may be carried on mainly through the personal efforts of the licensee as a means of livelihood when the state, county, or municipal license for such business or occupation shall be more than \$50. The exemption heretofore referred to shall extend to and include the right of licensee to operate an automobile-for-hire of not exceeding five-passenger capacity, including the driver, when it shall be made to appear that such automobile is bona fide owned or contracted to be purchased by the licensee and is being operated by him or her as a means of livelihood and that the proper license tax for the operation of such motor vehicle for private use has been applied for and attached to said motor vehicle and the proper fees therefor paid by the licensee.

(2) When any such person shall apply for a license to conduct any business or occupation for which either the county or municipal license tax as fixed by law shall exceed the sum of \$50, the remainder of such license tax in excess of \$50 shall be paid by him in cash.

(3) Each and every tax collecting authority of this state and of each county thereof and each municipality therein shall issue to such persons as may be entitled hereunder a license pursuant to the foregoing provision and subject to the conditions thereof. Such license when issued shall be marked across the face thereof "Veterans Exempt License"—"Not Transferable." Before issuing the same, proof shall be duly made in each case that the applicant is entitled under the conditions of this law to receive the exemption herein provided for. The proof may be made by establishing to the satisfaction of such tax

205.171

Business and occupational
license exemption for disabled
veterans.

EXEMPTIONS

collecting authority by means of certificate of honorable discharge or certified copy thereof that the applicant is a veteran within the purview of this section and by exhibiting:

(a) A certificate of government-rated disability to an extent of 10 percent or more;

(b) The affidavit or testimony of a reputable physician who personally knows the applicant and who makes oath that the applicant is disabled from performing manual labor as a means of livelihood;

(c) The certificate of the veteran's service officer of the county in which applicant lives, duly executed under the hand and seal of the chief officer and secretary thereof, attesting the fact that the applicant is disabled and entitled to receive a license within the meaning and intent of this section;

(d) A pension certificate issued to him or her by the United States by reason of such disability; or

(e) Such other reasonable proof as may be required by the tax collecting authority to establish the fact that such applicant is so disabled.

All licenses issued under this section shall be in the same general form as other state, county, and municipal licenses and shall expire at the same time [as such other licenses] are fixed by law to expire.

(4) All licenses obtained under the provisions of this section by the commission of fraud upon any issuing authority shall be deemed null and void. Any person who has fraudulently obtained any such license, or who has fraudulently received any transfer of a license issued to another, and has thereafter engaged in any business or occupation requiring a license under color thereof shall be subject to prosecution as for engaging in a business or occupation without having the required license under the laws of the state. Such license shall not be issued in any county other than the county wherein said veteran is a bona fide resident citizen elector, unless such veteran applying therefor shall produce to the tax collecting authority in such county a certificate of the tax collector of his or her home county to the effect that no exemption from license has been granted to such veteran in his or her home county under the authority of this section.

(5) In no event under this or any other law shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a license to sell intoxicating liquors, malt and vinous beverages; for the operation of any slot machine, punch-board or any other gaming or gambling device; or for any of the occupations specified in ss. 205.311 and 205.341.

(6) The unmarried spouse of the deceased disabled veteran of any war in which the United States Armed Forces participated will be entitled to the same exemptions as the disabled veteran.

History.—s. 1, ch. 67-433, § 38; ch. 71-355, § 1, ch. 77-163

1Note.—Bracketed words inserted by the editors

**Contact point:
Tax collection authority
state/county/municipal level.**

EXEMPTIONS

112.045 Examinations administered to blind or deaf persons; penalties.—

(1) The purpose of this section is to further the policy of the state to encourage and assist blind or deaf individuals to achieve maximum personal and vocational independence through useful and productive gainful employment by eliminating unwarranted barriers to their qualifying competitively for state career service jobs and to their admission to The Florida Bar.

(2) As used in this section:

(a) "Blind person" means an individual having central visual acuity 20/200 or less in the better eye with correcting glasses or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than 20 degrees.

(b) "Deaf person" means an individual having an 82 decibel loss of hearing and "[with whom] manual communication is necessary to communicate.

(c) "Agency" includes each department and agency of the state and the Florida Board of Bar Examiners and each subdivision or agency thereof.

(3)(a) The Florida Board of Bar Examiners, with respect to The Florida Bar examination, and the Division of Personnel of the Department of Administration, with respect to all competitive examinations administered by it or any other agency to applicants for employment within the State Career Service System, shall adapt such examinations so that blind or deaf persons taking any such examinations can compete more equitably with sighted or hearing persons taking the examinations. The modifications or adaptations required by this subsection shall include, but not be limited to:

1. The provision of at least 50 percent more time to complete the examination for the blind or deaf person taking the examination, to allow for the slowness of readers or interpreters.

2. Competent reader service provided by the agency or by the appropriate blind services agency of the Department of Education or certified interpreter service provided by the agency or by the appropriate Office of Vocational Rehabilitation of the Department of Health and Rehabilitative Services, at no expense to the blind person taking the examination.

3. The exclusion from the examination of graphs, charts, tables, and questions which might, per se, be unfamiliar to a blind person or would be difficult for a blind person to interpret because of his blindness, such as, for example, estimating distances visually.

(b) Each agency shall allow a blind or deaf person taking such an examination to use any necessary special equipment, aids, or appliances including, but not limited to:

112.045

Examinations administered by state agencies modified with respect to blind or deaf persons.

EXEMPTIONS

1. Note-taking equipment, such as, for example, slate and stylus or Braillewriter.

2. Computational aids, such as, for example, the cramer abacus, as a substitute for hand calculations for sighted competitors.

3. Low-vision aid devices.

(c) Blind or deaf examinees shall be given sufficient privacy to insure good testing conditions and prevent disruption of others' testing environment.

(d) If there are two or more blind or deaf examinees, they shall be seated either in separate rooms or far enough apart so that they do not interfere with or help one another.

(4) The examination modifications and adaptations required under the provision of this section shall be accomplished in consultation with the appropriate blind services agency of the Department of Education or the Office of Vocational Rehabilitation of the Department of Health and Rehabilitative Services and may be accomplished in consultation with the United States Civil Service Commission for utilization of current research findings. Rules promulgated pursuant to this section shall be jointly formulated by the Division of Personnel of the Department of Administration and the Department of Education.

(5) No agency, as herein defined, shall be allowed to evade the intent and meaning of this act. Any agent or employee of such agency who intentionally violates the provisions of this act is guilty of a misdemeanor of the second degree, punishable by a fine not to exceed \$500.

History.—s. 1, ch. 77-63

*Note.—Effective January 1, 1978.

*Note.—Bracketed language inserted by the editors.

cf —s. 15, Art. V, State Const. Admission of attorneys to practice

Contact point:
Department of Administration
Division of Personnel
Telephone: (904) 488-5106
and
Division of Blind Services
Telephone: (toll-free)
800-342-1828.

EXEMPTIONS

372.57(4)(e)(f) Fishing, hunting, and trapping licenses.-

(e) No fishing license shall be required for any person who is a resident of the state and who is totally and permanently disabled, as defined in subsection 196.012(10). Each such person, while fishing, shall possess documentation of his condition of total and permanent disability.

³(f) No fishing license shall be required for any person who has been accepted as a client by the Department of Health and Rehabilitative Services for retardation services and who is a resident of a Sunland Center, a resident of a residential habilitation center, or a client of a service facility that has contracted with the department to provide services for retarded clients of the department. The superintendent of the center at which the retarded person resides, or the administrator of the service facility of which the retarded person is a client, shall provide such person with a standard certificate as approved by the Department of Health and Rehabilitative Services attesting that the client meets the requirements of this paragraph.

372.573 Permits, land owned, etc., by state; fee.—

(2) The director shall charge a fee for such permit set by the Game and Fresh Water Fish Commission at not to exceed \$10, and the same shall be over and above the license fee for hunting required by law. The revenue resulting from the increase in the hunting fee and the addition of other fees as provided by this section shall be expended as follows: 60 percent for the purchase of lands for public hunting, fishing, and other outdoor recreation and 40 percent for the lease, management, and protection of lands for public hunting, fishing and other outdoor recreation. All persons 65 years of age and older shall be exempt from the payment of such fees for such permit, provided such persons shall obtain a permit before hunting in such areas from the tax collector of the county of their residence by attesting to the fact that they are 65 years of age or older. All persons who are residents of the state and who are totally and permanently disabled, as defined in s. 196.012(10), shall be exempt from the payment of permit fees with regard to permits issued for the purpose of fishing on recreational lands. However, before fishing in such areas, such persons shall obtain a permit from the tax collector of the county of their residence by attesting to the fact that they are totally and permanently disabled.

196.012 Definitions.—For the purpose of this chapter the following terms are defined as follows except where the context clearly indicates otherwise:

(10) "Totally and permanently disabled persons" means those persons who are currently certified by two licensed physicians of this state who are professionally unrelated or the Veterans' Administration to be totally and permanently disabled.

372.57/372.573

Fishing license not required for totally and permanently disabled.

Contact point:
Tax Collector's Office (county).

EXEMPTIONS

196.101 Exemption for totally and permanently disabled persons.—

(1) Any real estate used and owned as a homestead by any quadriplegic shall be exempt from taxation.

(2) Any real estate used and owned as a homestead by a paraplegic, hemiplegic, or other totally and permanently disabled person, as defined in subsection 196.012(10), who must use a wheelchair for mobility or who is legally blind, shall be exempt from taxation.

¹(3) The production by any totally and permanently disabled person entitled to the exemption in subsection (1) or subsection (2) of a certificate of such disability from two licensed doctors of this state or from the Veterans' Administration to the property appraiser of the county wherein the property lies shall be prima facie evidence of the fact that he is entitled to such exemption.

¹(4) A person entitled to the exemption in subsection (2) must be a resident of this state for 5 consecutive years prior to claiming the exemption under this section. Submission of an affidavit that the applicant claiming the exemption under subsection (2) has been a permanent resident of this state for the 5 years preceding the date of application shall be prima facie proof of such residence. However, the income of all persons residing in or upon the homestead shall not exceed \$8,200. For purposes of this section, gross income shall include Veterans' Administration and any social security benefits payable to the persons.

¹(5) The physician's certification shall read as follows:

196.101

Exemptions--Homestead

Contact point:

See Attachment II for information on how to file for Homestead Exemption.

EXEMPTIONS

PHYSICIAN'S CERTIFICATION OF TOTAL AND PERMANENT DISABILITY

I, (name of physician) , a physician licensed pursuant to chapter 458, Florida Statutes, hereby certify Mr. Mrs. Miss Ms. (name of totally and permanently disabled person) , social security number is **totally** and permanently disabled as of January 1, (year) , due to the following mental or physical condition(s):

..... Quadriplegia

..... Paraplegia

..... Hemiplegia

..... Other total and permanent disability requiring use of a wheelchair for mobility

..... Legal Blindness

It is my professional belief that the above named condition(s) render Mr. Mrs. Miss Ms. totally and permanently disabled, and that the foregoing statements are true, correct, and complete to the best of my knowledge and professional belief.

Signature

Date

Florida Board of Medical Examiners license number

Issued on

NOTICE TO TAXPAYER: Each Florida resident applying for a total and permanent disability exemption must present to the county property appraiser, on or before March 1 of each year, a copy of this form (or a letter from the United States Veterans' Administration). Each form is to be completed by a licensed Florida physician.

NOTICE TO TAXPAYER AND PHYSICIAN: Section 196.131(2), Florida Statutes, states that, "Any person who shall knowingly give false information for the purpose of claiming homestead exemption . . . shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083," or, in other words, punishable by a term of imprisonment not exceeding 60 days or a fine not exceeding \$500.

History.—s. 1, ch. 59-134, ss. 1, 2, ch. 69-55; s. 17, ch. 76-234, s. 49, ch. 77-104, s. 2, ch. 77-447

Note.—As amended by ch. 77-447, effective December 31, 1977.

Note.—Former s. 192.113

cf—ss. 3, 6, Art. VII, State Const.

Contact point:
See Attachment II for an
extra copy of physician's
certificate.

EXEMPTIONS

232.246 General requirements for high school graduation.—

(1) Beginning with the 1978-1979 school year, each district school board shall establish standards for graduation from its schools which shall include as a minimum:

(a) Mastery of the minimum performance standards in reading, writing, and mathematics for the 11th grade, established pursuant to ss. 229.565 and 229.57, determined in the manner prescribed by rules of the state board;

(b) Demonstrated ability to successfully apply basic skills to everyday life situations as measured by a functional literacy examination developed and administered pursuant to rules of the state board; and

(c) Completion of a minimum number of academic credits, and all other applicable requirements prescribed by the district school board pursuant to s. 232.245.

(2) The state board shall make provision in its rules required herein for appropriate modification of testing instruments and procedures for students with identified handicaps or disabilities in order to ensure that the results of the testing represent the student's achievement, rather than reflecting the student's impaired sensory, manual, speaking, or psychological process skills, except where such skills are the factors the test purports to measure.

(3) A student who meets all requirements prescribed in subsection (1) shall be awarded a standard diploma in a form prescribed by the state board; provided that a school board may, in lieu of the standard diploma, award differentiated diplomas to those exceeding the prescribed minimums. A student who completes the minimum number of credits and other requirements prescribed by paragraph (1)(c), but is unable to meet the standards of paragraph (1)(a) or paragraph (1)(b), shall be awarded a certificate of completion in a form prescribed by the state board.

*History.—*s. 1, ch. 78-424

232.247 Special high school graduation requirements for certain exceptional students.—A student who has been properly classified, in accordance with rules established by the state board, as "educable mentally retarded," "trainable mentally retarded," "deaf," "specific learning disabled," or "emotionally handicapped" shall not be required to meet all requirements of s. 232.246 and shall, upon meeting all applicable requirements prescribed by the school board pursuant to s. 232.245, be awarded a special diploma in a form prescribed by the state board; provided, however, that such special graduation requirements prescribed by the school board shall include minimum graduation requirements as prescribed by the state board. Nothing provided in this section, however, shall be construed to limit or restrict the right of an exceptional student solely to a special diploma. Any such student shall, upon proper request, be afforded the opportunity to fully meet all requirements of s. 232.246 through the standard procedures established therein and thereby qualify for a standard diploma upon graduation.

*History.—*s. 2, ch. 78-424

232.246/232.247

High school graduation--
provisions for modifications
of testing instruments and
procedures for students
with identified handicaps
or disabilities.

EXEMPTIONS

196.031 Exemption of homesteads.—

(1) Every person who has the legal title or beneficial title in equity to real property in this state and who resides thereon and in good faith makes the same his or her permanent home, or the permanent home of another or others legally or naturally dependent upon said person, shall be entitled to an exemption from all taxation, except for assessments for special benefits, up to the assessed valuation of \$5,000 on the said home and contiguous real property, as defined in s. 6, Art. VII of the State Constitution. Said title may be held by the entireties, jointly, or in common with others, and said exemption may be apportioned among such of the owners as shall reside thereon, as their respective interests shall appear, but no such exemption of more than \$5,000 shall be allowed to any one person or on any one dwelling house, except that an exemption up to the assessed valuation of \$5,000 may be allowed on each apartment occupied by a tenant-stockholder or member of a cooperative apartment corporation and on each condominium parcel occupied by its owner, nor shall the amount of the exemption allowed any person exceed the proportionate assessed valuation based on the interest owned by such person.

(2) As used in subsection (1), "cooperative apartment corporation" means a corporation, whether for profit or not for profit, organized for the purpose of owning, maintaining and operating an apartment building or apartment buildings to be occupied by its stockholders or members; and "tenant-stockholder or member" means an individual who is entitled, solely by reason of his ownership of stock or membership in a cooperative apartment corporation, to occupy for dwelling purposes an apartment in a building owned by such corporation. A corporation leasing land for a term of 98 years or more for the purpose of maintaining and operating a cooperative apartment thereon shall be deemed the owner for purposes of this exemption.

(3)(a) For every person who is entitled to the exemption provided in subsection (1) who has been a permanent resident of this state for the 5 consecutive years prior to claiming an exemption under this subsection and who is 65 years of age or older, the exemption is increased to \$10,000 of assessed valuation for taxes levied by governing bodies of school districts, counties, municipalities, and special districts. Submission of an affidavit that the applicant claiming the additional exemption under this subsection has been a permanent resident of this state for the 5 years immediately preceding the date of application shall be prima facie proof of such residence.

(b) For every person who is entitled to the exemption provided in subsection (1) who has been a resident of this state for the 5 consecutive years prior to claiming the exemption under this subsection and who qualifies for the exemption granted pursuant to s. 196.202 as a totally and permanently disabled person, the exemption shall be increased by \$4,500 of assessed valuation so that the sum of the combined exemptions is \$10,000 of assessed valuation for taxes levied by the governing bodies of school districts, counties, municipalities, and special districts.

196.031

Increase in amount for persons totally and permanently disabled.

EXEMPTIONS

(c) No homestead shall be exempted under both paragraphs (a) and (b). In no event shall the combined exemptions of s. 196.202 and this section exceed \$10,000.

(4) The property appraisers of the various counties shall each year compile a list of taxable property and its value removed from the assessment rolls of each local governmental unit as a result of the increased exemptions provided in subsection (3), as well as a statement of the loss of tax revenue to each such governmental unit, and shall deliver a copy thereof to the Department of Revenue upon certification of the assessment roll to the tax collector.

History.—ss 1, 2, ch. 17060, 1935, CGL 1936 Supp. 897(2); s 1, ch. 67-339; ss 1, 2, ch. 69-55; ss 1, 3, ch. 71-309; s 1, ch. 72-372; s 1, ch. 72-373; s 9, ch. 74-227; s 1, ch. 74-284; s 1, ch. 77-102

Note.—Former s. 192.12

cf.—s. 6, Art. VII, State Const.

Contact point:

Tax Appraiser (county).

**See Attachment II for
explanation of how to file
for Homestead Exemption.**

EXEMPTIONS

295.16 Disabled veterans exempt from certain license or permit fee.—No totally and permanently disabled veteran who is a resident of Florida and honorably discharged from the Armed Forces, who has been determined by the Veterans Administration of the Federal Government to have a service-connected 100 percent disability rating for compensation, or who has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the uniformed armed services, shall be required to pay any license or permit fee, by whatever name known, to any county or municipality in order to make improvements upon a mobile home owned by the veteran which is used as the veteran's residence; provided, however, such improvements shall be limited to ramps, widening of doors, and similar improvements for the purpose of making the mobile home habitable for veterans confined to wheelchairs.

History.—s. 1, ch. 78-69.
cf.—s. 1.01(15) Definitions; veteran

295.16

License fees--no license or permit fee is required from disabled veteran for improvements to mobile home to make it barrier free.

**Contact point:
County or municipality
licensing agency.**

EXEMPTIONS

320.084 Free motor vehicle license plate to certain disabled veterans.—

(1) One free motor vehicle license number plate shall be issued by the department for use on any motor vehicle owned by any disabled veteran who has been a resident of Florida continuously for the preceding 5 years or has established a domicile in this state as provided by s. 222.17(1), (2), or (3), and who has been honorably discharged from the armed forces, upon application, accompanied by proof that:

(a) Said vehicle was acquired through financial assistance by the Veterans' Administration of the Federal Government specifically for the purchase of an automobile.

(b) The applicant has been determined by the Veterans' Administration of the Federal Government to have a service-connected 100 percent disability rating for compensation.

(c) The applicant has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the uniformed armed services.

(2) The vehicle license number plate issued under this section shall be a permanent motor vehicle license plate and shall be of a color distinctive from both regular license plates and those provided for in s. 320.07(2). Such permanent license plate shall be removed upon sale of the vehicle, but may be transferred to another vehicle owned by such veteran in accordance with necessary rules made by the department. The license number of all plates issued under this section shall be identified by the letter designation "DV." Upon request of any such veteran, the department is authorized to issue a designation plate containing only the letters "DV," to be displayed on the front of the vehicle.

(3) The department shall make such rules as are necessary to determine the continuance of the 100 percent disability, as set forth in paragraphs (1)(b) and (c), and, if the department determines that such veteran is no longer so disabled or is no longer a resident of this state, such veteran shall, upon demand of the department, surrender to the department the special license plate described in subsection (2).

History.—s. 1, ch. 26839, 1951, s. 7, ch. 28186, 1953, s. 3, ch. 57-266, s. 1, ch. 59-104, s. 1, ch. 63-277, s. 6, ch. 65-190, ss. 1, 2, ch. 67-47, s. 1, ch. 67-420, ss. 24, 35, ch. 69-106, s. 1, ch. 69-269, s. 92, ch. 71-355, s. 3, ch. 77-68, s. 16, ch. 77-357.

320.084

Motor vehicle license plate
free to disabled veterans.

Contact point:

Veterans' Administration
Regional Office or Veterans'
Service Office (see telephone
book under "county").

EXEMPTIONS

316.1964 Disabled persons, exemption from payment of parking fees; issuance of identification stickers.—

(1) No state agency or county, city, or town, or any agency thereof, shall exact any fee for parking on the public streets or highways or in any metered parking space from any person who:

(a) Is currently certified by one licensed physician under chapter 458 or chapter 459, the Social Security Administration, or the Veterans Administration as a severely physically disabled individual with permanent mobility problems which substantially impair his or her ability to ambulate;

(b) Is licensed to operate a motor vehicle in this state with license plates imprinted with the designation HP (handicapped person), DV (disabled veteran) who displays the proper sticker as provided in s. 316.1964(2), or the internationally accepted wheelchair symbol; and

(c) Displays the proper sticker as provided in subsection (2).

(2) Upon the application of any such disabled person, the tax collector of the county in which the disabled person applies for his or her automobile license plate shall issue to such person a certificate showing that the disabled person is entitled to the immunities provided in this section and a sticker reflecting the disability, which sticker shall be displayed upon the lower left-hand portion of the rear window of the motor vehicle of such disabled person.

(3) The department is authorized and empowered to make any necessary rules to carry out the purposes of this section and to provide the necessary procedures for assuring that all applicants meet the qualifications prescribed in this section.

(4) The department shall prescribe the form of the application and certificate and the design of a distinctive identifying sticker and shall supply such applications, certificates, and stickers to the tax collectors of the several counties.

(5) The department shall prescribe the fee to be paid by the applicant for the certificate and sticker, but the fee shall not exceed 50 cents. The department shall, in its discretion, determine at what intervals the certificate and sticker shall be renewed.

(6) The fee, as set by the department, shall be collected by the tax collectors of the several counties from the applicants at the time the certificates and stickers are issued, and all such fees so collected shall be paid over to the department and be used to defray the expenses of carrying out the purposes of this section.

(7) Fraudulently obtaining or unlawfully using stickers provided for by this section, or using a replica of such sticker with the intent to deceive, shall be punishable as provided in s. 318.18(2).

*History.—*s. 1, ch. 71-135; s. 1, ch. 76-31; s. 1, ch. 77-83.

*Note.—*Former s. 316.163.

316.1964

Parking fee not required for people with specific handicaps.

Contact point:

Disabled veteran (see page for certification requirements);
handicapped person (see page for certification requirements);
wheelchair users (see page for certification requirements).

EXEMPTIONS

196.202 Property of widows, blind persons, and persons totally and permanently disabled. —Property to the value of \$500 of every widow, blind person, or totally and permanently disabled person who is a bona fide resident of this state shall be exempt from taxation.

History.—s. 12, ch. 71-133
cf.—s. 3(b), Art. VII, State Const.

196.202

Property tax exemption of \$500 for blind and totally and permanently disabled individuals.

Contact point:

Tax Appraiser (county).

See Attachment II for explanation of how to file for Homestead Exemption.

EXEMPTIONS

212.08 Sales, rental, storage, use tax: specified exemptions.-

(7) MISCELLANEOUS EXEMPTIONS

(h) *Guide dogs for the blind* -Also exempt are the sale or rental of guide dogs for the blind, commonly referred to as "seeing-eye dogs," and the sale of food or other items for said guide dogs.

1. The department shall issue a consumer's certificate of exemption to any blind person who holds an identification card as provided for in s. 413.091 and who either owns or rents, or contemplates the ownership or rental of, a guide dog for the blind. The consumer's certificate of exemption shall be issued without charge and shall be of such size as to be capable of being carried in a wallet or billfold.

2. The department shall make such rules concerning items exempt from tax under the provisions of this paragraph as may be necessary to provide that any person authorized to have a consumer's certificate of exemption need only present such a certificate at the time of paying for exempt goods and shall not be required to pay any tax thereon.

S.413.091 Identification Cards.

212.08

No sales tax on sale or rental of guide dogs for the blind and the sale of food or other items for said guide dogs.

Contact point:
State of Florida
Department of Revenue.

See: Identification Cards
page

EXEMPTIONS

295.07 Veterans' reemployment or reinstatement and preference in appointment and retention.—A veteran shall be reemployed or reinstated to the position or an equivalent position that he or she held with the state or any of its political subdivisions prior to honorable military service, if the veteran returns to the position within 1 year of his or her normal date of separation or, when a person has been extended beyond his or her normal date of honorable discharge or separation due to military requirements, of the date of discharge or separation subsequent to that extension. The state and its political subdivisions shall give preference in appointment and retention in positions of employment, except those included under s. 110.051(2) on June 29, 1977, to:

(1) Those disabled veterans who have served on active duty in any branch of the Armed Forces of the United States; who have been separated therefrom under honorable conditions; and who have established the present existence of a service-connected disability which is compensable under public laws administered by the U.S. Veterans' Administration, or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Veterans' Administration and the Department of Defense.

(2) The spouse of any person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of any person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

(3) A veteran of any war who has served on active duty for 181 consecutive days or more, or who has served 180 consecutive days or more since January 31, 1955, and who was discharged or separated therefrom with an honorable discharge from the Armed Forces of the United States of America if any part of such active duty was performed during the wartime era.

(4) The unmarried widow or widower of a veteran who died of a service-connected disability.

History.—s. 1, ch. 24201, 1947; s. 1, ch. 70-7, s. 1, ch. 77-422; s. 1, ch. 78-372. cf.—s. 1 (1/15) Definitions, veteran.

295.07

Veterans' preference for employment.

**Contact point:
State of Florida
Department of Administration
Division of Personnel**

IDENTIFICATION CARDS

413.091 Identification cards.—

(1) The Division of Blind Services of the Department of Education is hereby empowered to issue identification cards to persons known to be blind or partially sighted, upon the written request of such individual.

(2) The individual shall submit proof of blindness as specified by the division.

(3) The division will be responsible for design and content of the identification card and shall develop and promulgate rules, regulations, and procedures relating to the eligibility and application for, and issuance and control of, these identification cards.

History.—ss. 1-3, ch. 71-265; s. 301, ch. 77-147; s. 29, ch. 77-259

413.091

I. D. cards--proof of identification for check cashing.

Contact point:

Division of Blind Services Offices:

Daytona Beach	(904) 252-4722
Fort Lauderdale	(305) 485-8000
Fort Myers	(813) 332-3314
Gainesville	(904) 372-4219
Jacksonville	(904) 353-4747
Miami	(305) 377-5339
Orlando	(305) 423-6305
Panama City	(904) 769-0357
Pensacola	(904) 436-8400
St. Augustine	(904) 824-4750
St. Petersburg	(813) 893-2341
Tallahassee	(904) 488-8400
Tampa	(813) 272-3552
Titusville	(305) 269-7273
West Palm Beach	(305) 655-1360

IDENTIFICATION CARDS

322.051 Identification cards for persons not licensed.—

(1) Any person 12 years of age or older who does not have a valid Florida driver's license may be issued an identification card by the department upon completion of an application and payment of an application fee. The application shall include the full name (first, middle or maiden, and last), sex, race, residence address, proof of birth as provided in s. 232.03, and other data the department may require. Applications for identification cards shall be signed and verified by the applicant before a person authorized to administer oaths. The fee for an identification card shall be \$3, including payment for the color photograph of the applicant.

(2) Every identification card shall expire, unless canceled earlier, on the fourth birthday of the applicant following the date of original issue. Renewal of any identification card shall be made for a term which shall expire on the fourth birthday of the applicant following expiration of the identification card renewed, unless surrendered earlier. Any application for renewal received later than 90 days after expiration of the identification card shall be considered the same as an application for an original identification card. The renewal fee for an identification card shall be \$3. The department shall, at the end of 4 years and 6 months after the issuance or renewal of an identification card, destroy any record of the card if it has expired and has not been renewed.

(3) In the event an identification card issued under this section is lost, destroyed, or mutilated or a new name is acquired, the person to whom it was issued may obtain a duplicate upon furnishing satisfactory proof of such fact to the department and upon payment of a fee of \$2.50 for such duplicate, which shall include payment for the color photograph of the applicant. Any person who loses an identification card and who, after obtaining a duplicate, finds the original card shall immediately surrender the original card to the department. The same documentary evidence shall be furnished for a duplicate as for an original identification card.

(4) Upon the issuance of a Florida driver's license, any identification card issued hereunder shall be surrendered by the licensee to the department. There shall be no refund of any fees paid for the issuance of such identification card.

(5) When used with reference to identification cards, "cancellation" means that an identification card is terminated without prejudice and must be surrendered. Cancellation of the card may be made when a card has been issued through error or when voluntarily surrendered to the department.

(6) No public entity shall be liable for any loss or injury resulting directly or indirectly from false or inaccurate information contained in identification cards provided for in this section.

322.051

I. D. cards for nondrivers.

IDENTIFICATION CARDS

(7) It is unlawful for any person:

(a) To display, cause or permit to be displayed, or have in his possession any fictitious, fraudulently altered, or fraudulently obtained identification card.

(b) To lend his identification card to any other person or knowingly permit the use thereof by another.

(c) To display or represent any identification card not issued to him as being his card.

(d) To permit any unlawful use of an identification card issued to him.

(e) To do any act forbidden, or fail to perform any act required, by this section.

(f) To photograph, photostat, duplicate, or in any way reproduce any identification card or facsimile thereof in such a manner that it could be mistaken for a valid identification card, or to display or have in his possession any such photograph, photostat, duplicate, reproduction, or facsimile unless authorized by the provisions of this section.

History. - s. 1, ch. 73-236; s. 1, ch. 77-14; s. 1, ch. 78-105, ss. 7, 27, ch. 78-394

Note. - As amended by chs. 78-105 and 78-394, effective October 1, 1978

INSTRUCTIONAL MATERIALS CENTER

233.056 Instructional programs for visually handicapped and hearing-impaired students.—

(1) The Division of Public Schools of the Department of Education is authorized to establish a coordinating unit and instructional materials center for visually handicapped and hearing-impaired children and youth to provide staff and resources for the coordination, cataloging, standardizing, producing, procuring, storing, and distributing of braille, large print, tangible apparatus, captioned films and video tapes, and other specialized educational materials needed by these students and other exceptional students. The coordinating unit shall have as its major purpose the improvement of instructional programs for visually handicapped and hearing-impaired students and may, as a second priority, extend appropriate services to other exceptional students, consistent with provisions and criteria established, to the extent that resources are available.

(2) The unit shall be operated either directly by the Division of Public Schools or through a contractual agreement with a local education agency, under rules adopted by the State Board of Education.

History.—ss. 1, 2, ch. 72-319; s. 1, ch. 77-36; s. 6, ch. 78-416.

233.056

Provides a coordinating unit and IMC for the acquisition and/or production of materials in braille, large type, tangible apparatus, captioned films and video tapes for loan to visually handicapped and hearing impaired children attending elementary and secondary schools in Florida.

Contact point:

Special Education Instructor
in each public school system.

INSURANCE

'627.6576 Discrimination against handicapped under policies of group, blanket, or franchise insurance prohibited.—No insurer offering a policy or policies of group, blanket, or franchise disability insurance shall refuse to provide, or charge unfairly discriminatory rates for, disability coverage for a person solely because he or she is mentally or physically handicapped. Nothing in this section should be construed as requiring an insurer to provide insurance coverage against a person's handicap which the applicant or policyholder has already sustained.

History.—s. 2, ch. 76-127, s. 3, ch. 76-168

'Note.—Repealed by s. 3, ch. 76-168, effective July 1, 1982.

'627.644 Discrimination against handicapped prohibited.—No disability insurer shall refuse to provide, or charge unfairly discriminatory rates for, disability coverage for a person solely because he or she is mentally or physically handicapped. Nothing in this section should be construed as requiring an insurer to provide insurance coverage against a person's handicap which the applicant or policyholder has already sustained.

History.—s. 1, ch. 76-127, s. 3, ch. 76-168

'Note.—Repealed by s. 3, ch. 76-168, effective July 1, 1982.

626.9541 Unfair methods of competition and unfair or deceptive acts or practices defined.—The following, when committed or performed without just cause and with such frequency as to indicate a general business practice, are defined as unfair methods of competition and unfair or deceptive acts or practices:

(7) UNFAIR DISCRIMINATION.—

(a) Making or permitting any unfair discrimination between individuals of the same actuarially supportable class and equal expectation of life, in the rates charged for any life insurance or annuity contract, in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(b) Making or permitting any unfair discrimination between individuals of the same actuarially supportable class and essentially the same hazard, in the amount of premium, policy fees, or rates charged for any policy or contract of accident, disability, or health insurance, in the benefits payable thereunder, in any of the terms or conditions of such contract, or in any other manner whatever.

627.6576

Discrimination against handicapped individuals joining group policies prohibited.

627.644

Disability insurance--refusal to provide or increase cost for handicapped individuals prohibited.

626.9541

Additional cost of insurance because of handicap prohibited.

**Contact point:
Department of Insurance
listed in telephone book under:
Florida, State of
Department of Insurance.**

INSURANCE

626.9541 (15)

(15) ILLEGAL DEALINGS IN PREMIUMS; EXCESS OR REDUCED CHARGES FOR INSURANCE.—

(a) Knowingly collecting any sum as a premium or charge for insurance, which is not then provided, or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as permitted by this code.

(b) Knowingly collecting as a premium or charge for insurance any sum in excess of or less than the premium or charge applicable to such insurance, in accordance with the applicable classifications and rates as filed with and approved by the department, and as specified in the policy; or, in cases when classifications, premiums, or rates are not required by this code to be so filed and approved, premiums and charges in excess of or less than those specified in the policy and as fixed by the insurer. This provision shall not be deemed to prohibit the charging and collection, by surplus lines agents licensed under part VI of this chapter, of the amount of applicable state and federal taxes in addition to the premium required by the insurer.

(c) Imposing or requesting an additional premium for automobile liability insurance, or refusing to renew the policy, solely because the insured was involved in an automobile accident, unless the applicant's or insured's insurer has incurred a loss under the insured's policy, other than with respect to uninsured motorist coverage, arising out of the accident, or unless the insurer's file shall contain sufficient proof of fault, or other criteria, to justify the additional charge or refusal to renew. An insurer which imposes and collects such a surcharge shall, in conjunction with the notice of premium due, notify the named insured that he is entitled to reimbursement of such amount under the conditions listed below, and shall subsequently reimburse him, if the named insured demonstrates that the operator involved in the accident was:

1. Lawfully parked.
2. Reimbursed by, or on behalf of, a person responsible for the accident or has a judgment against such person.
3. Struck in the rear by another vehicle headed in the same direction and was not convicted of a moving traffic violation in connection with the accident.
4. Hit by a "hit-and-run" driver, if the accident was reported to the proper authorities within 24 hours after discovering the accident.
5. Not convicted of a moving traffic violation in connection with the accident.
6. Finally adjudicated not to be liable by a court of competent jurisdiction.
7. In receipt of a traffic citation which was dismissed or nolle prossed.

(d) Upon the request of the insured, the insurer and licensed agent shall supply to the insured the complete proof of fault or other criteria which justifies the additional charge of cancellation.

(e) This subsection does not apply to life or disability insurance.

INSURANCE

(f) No insurer shall impose or request an additional premium for motor vehicle insurance, cancel a policy, or refuse to renew a policy solely because the insured is a handicapped or physically disabled person.

(g) No insurer may cancel or otherwise terminate any insurance contract, or require execution of a consent to rate endorsement, during the stated policy term for the purpose of offering to issue, or issuing, a similar or identical contract to the same insured at a higher premium rate or continuing an existing contract at an increased premium.

(h) No insurer shall, with respect to premiums charged for automobile insurance, unfairly discriminate solely on the basis of age, sex, marital status, or scholastic achievement.

**Contact point:
Department of Insurance
listed in telephone book under:
Florida, State of
Department of Insurance.**

INSURANCE

626.9705 Life or disability insurance; illegal dealings.—

(1) No life or disability insurer shall refuse to renew, sell, or issue a life or disability insurance policy, establish or charge a premium or rate to an applicant or a prospective policyholder, or establish or charge an unfair, discriminatory premium or rate to such person solely on the ground that the applicant or policyholder suffers from a severe disability.

(2) "Severe disability," as used in this section, means any spinal cord disease or injury resulting in permanent and total disability, amputation of any extremity that requires prosthesis, permanent visual acuity of 20/200 or worse in the better eye with the best correction, or a peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees.

(3) Nothing in this section should be construed as requiring an insurer to provide insurance coverage against a severe disability which the applicant or policyholder has already sustained.

History.—ss. 1, 7, ch. 75-279; s. 1, ch. 77-174

626. 9705

Insurance--life or disability--
nondiscrimination.

Contact point:

Department of Insurance listed
in telephone book under:
Florida, State of
Department of Insurance.

TRANSPORTATION

234.211 Use of school buses for public purposes.—

(1) Each school district may enter into agreements with the governing body of a county or municipality in the school district or any state agency or agencies established or identified to assist the mentally or physically handicapped or pursuant to Pub. L. No. 89-73, as amended, for the use of the school buses of the school district by departments, boards, commissions, or officers of such county or municipality or of the state for county, municipal, or state purposes, including transportation of the mentally or physically handicapped, or the elderly under Pub. L. No. 89-73. Each such agreement shall provide for reimbursement of the school district, in full or in part, for the proportionate share of fixed and operating costs incurred by the school district attributable to the use of such buses pursuant to such agreement.

(2) The governing body or state agency or agencies established or identified pursuant to Pub. L. 89-73 shall indemnify and hold harmless the school district from any and all liability of the school district by virtue of the use of such buses pursuant to an agreement authorized by this section. Corporations not for profit, established or identified pursuant to Pub. L. 89-73, as amended, and providing transportation services for the elderly or the handicapped without compensation, shall provide liability insurance coverage in the amounts of:

- (a) \$100,000 liability per single-party suit;
 - (b) \$300,000 liability per joint-party suit;
 - (c) \$50,000 liability per property damage suit;
- and
- (d) \$100 deductible collision, upset loss, or damage to each vehicle.

(3) When such buses are used for nonschool purposes other than the transportation of the elderly or the mentally or physically handicapped, the flashing red lights shall not be used and the "school bus" inscription on the front and rear of such buses shall be covered or concealed.

History.—s. 1, ch. 78-104.

234.211

School buses may be used by certain nonprofit agencies for the transportation of specific groups i. e., elderly and/or handicapped.

Contact point:
County school board.

TRANSPORTATION

236.083 Funds for student transportation.—

The annual allocation to each district for transportation to the public schools of students in kindergarten through grade 12 and exceptional students shall be determined as follows:

(1) Subject to the regulations of the state board, each district shall determine the membership of students who are transported:

(a) By reason of living 2 miles or more from school;

(b) By reason of being physically handicapped, regardless of distance to school; and

(c) By reason of being vocational and exceptional students transported from one school center to another.

236.083

Transportation for physically handicapped students, regardless of the distance they live from the school, will be provided.

Contact point:
County school board.

TRAFFIC REGULATIONS

413.07 Traffic regulations to assist blind persons.—

(1) It is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red.

(2) Whenever a pedestrian is crossing, or attempting to cross, a public street or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection or place where such pedestrian is attempting to cross shall bring his vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian.

(3) Nothing contained in this section shall be construed to deprive any totally or partially blind or otherwise incapacitated person not carrying such a cane or walking stick, or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways; nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a dog guide, upon the streets, highways, or sidewalks of this state be held to constitute, or be evidence of, contributory negligence.

(4) Any person who violates any provision of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1-4, ch. 25269, 1949; s. 10, ch. 26484, 1951; s. 360, ch. 71-136, s. 18, ch. 77-259.

413.07

White Cane Law--traffic required to stop for individuals using a white cane or a guide dog.

**Contact point:
Local police department.**

WHEELCHAIR USERS

320.0806 Handicapped persons; license plates.—

(1) Beginning with the October 1, 1974 motor vehicle license plate registration year, and annually thereafter, the Department of Highway Safety and Motor Vehicles shall, upon application, issue license plates to persons eligible to receive a certificate under the provisions of s. '316.1964], which shall bear the letters "HP."

(2) Each request for an "HP" license plate shall be submitted annually to the department on an application form supplied by the department, accompanied by the license tax required for private use automobiles, trucks weighing not more than 5,000 pounds, and recreational vehicles as specified in s. 320.08(9)(c) or (d), which are not used for hire or commercial use.

(3) No county, city or town, or any agency thereof, shall exact any fee for parking on the public streets or highways or in any metered parking space from any person who is issued an "HP" license plate and who is licensed to operate a motor vehicle in this state.

(4) No penalty shall be imposed upon any person who is issued an "HP" license plate for parking on the streets or highways or in a metered space for a longer period of time than other persons are permitted to park on such streets or highways or in such metered space. However, persons not so disabled using a vehicle with an "HP" license plate for their own use shall not have the privileges of this section.

(5) The department shall make all rules and regulations necessary to carry out the provisions of this section.

History.—s. 1, ch. 74-202; s. 1, ch. 77-68; s. 15, ch. 77-357.

**Note.—Bracketed reference substituted by the editors for "316.163" to conform to renumbering by ch. 76-31.*

320.0843 License plates for wheelchair users.—

(1) Beginning with the 1974 license tag year, any owner of a motor vehicle who is a resident of, and who is licensed to operate a motor vehicle in, this state and is permanently confined to a wheelchair, upon application to the department accompanied by competent and appropriate proof of disability, and upon payment of the registration fee for motor vehicles for private use as provided in s. 320.08(2), (3)(a), (b), or (c), or (9), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international wheelchair user symbol after the serial number of the license plate.

(2) The department shall make such rules and regulations as necessary to ascertain compliance with all state license laws relating to use and operation of a motor vehicle for private use before issuing tags pursuant to this section in lieu of the regular Florida license plate, and all applications for such tags shall be made to the department.

(3) This section is supplementary to the motor vehicle licensing laws of Florida, and nothing herein shall be construed as abridging or amending such laws.

History.—s. 1, ch. 74-30; s. 4, ch. 77-68; s. 4, ch. 77-83.

**Note.—As amended by ch. 77-83, effective October 1, 1977.*

320.0806

Special license plate available for physically handicapped individuals.

320.0843

Motor vehicle license plate stamped with international wheelchair user symbol.

Contact point:

Auto tag office (in telephone book under "county") has forms available which must be filled out and submitted to the Division of Highway Safety and Motor Vehicles in Tallahassee.

WHEELCHAIR USERS

320.0842 Free motor vehicle license plates to veterans confined to wheelchairs.—

(1) The Department of Highway Safety and Motor Vehicles shall issue a free motor vehicle license plate, similar in all respects to the plate issued under s. 320.084, with the exception that the letter and series designation "DV" shall be replaced by a series designation which shall be the internationally accepted wheelchair symbol. The internationally accepted wheelchair symbol is to be as follows:



(2) The only persons to whom the motor vehicle license plate described in subsection (1) shall be issued are those persons who are eligible for a free motor vehicle license number plate under s. 320.084 and who comply with the following provisions:

(a) The veteran must apply for such license plate in lieu of or in exchange for the motor vehicle license number plate authorized by s. 320.084; and

(b) Such veteran must offer, in addition to the proof required by s. 320.084(1), proof that due to a service-connected disability he is a paraplegic.

(3) The department shall issue, to persons who have received a motor vehicle license number plate under subsection (2), a designation plate containing only the internationally accepted wheelchair symbol, to be displayed on the front of a vehicle.

(4) Nothing contained in this section shall be interpreted to require a veteran who is eligible for a license plate as described in subsection (1) to apply for such license plate.

(5) No county, city or town, or any agency thereof, shall exact any fee for parking on the public streets or highways or in any metered parking space from any person who is issued a designated "DV" license plate or internationally accepted wheelchair symbol license plate, and who is licensed to operate a motor vehicle in this state.

(6) No penalty for parking on the streets or highways or in a metered space, except in clearly defined bus loading zones or areas posted as "NO PARKING" zones, shall be imposed upon any person who is issued a designated "DV" license plate or internationally accepted wheelchair symbol license plate, and who is licensed to operate a motor vehicle in this state.

*History.—*s. 1, ch. 72-31, s. 2, ch. 74-202

320.0842

Free motor vehicle license plate to veterans confined to a wheelchair.

Contact point:

See: Statute 320.084 on page

WHEELCHAIR USERS

'316.1955 Parking spaces for certain disabled persons.—

(1) Each state agency and political subdivision having jurisdiction over street parking or publicly owned and operated parking facilities shall provide a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of those severely physically disabled individuals with permanent mobility problems which substantially impair their ability to ambulate, as certified in s. 316.1964, and those persons eligible under ss. 320.0842, 320.084, and 320.0843 for license plates bearing the designation HP, DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), or the internationally accepted wheelchair symbol. Each "[such individual or person]" shall park in the appropriately marked parking space.

(2) The minimum number of such parking spaces shall be:

(a) In the immediate vicinity of a building maintained and operated with public funds and intended for use by the public, including, but not limited to, **state office buildings, courthouses, rehabilitation centers, and hospitals**, one space each for motor vehicles with license plates imprinted with the designation HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), and the internationally accepted wheelchair symbol; however, a minimum of four spaces shall be provided at physical restoration rehabilitation centers;

(b) For each 300 metered on-street and publicly maintained and operated parking lot spaces, one space each for motor vehicles with "[license] plates imprinted with the designation HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), and the internationally accepted wheelchair symbol; and

(c) For buildings maintained and operated by licensed business establishments conducting business with the general public and to which the general public is invited, such number of spaces as is prescribed in the Standard Building Code.

(3) Such parking spaces shall be designed and located as follows:

(a) All spaces shall have accessible thereto a curb-ramp or curb-cut, when necessary to allow access to the building served, and shall be located so that users will not be compelled to wheel behind parked vehicles.

(b) Diagonal or perpendicular parking spaces shall be a minimum of 12 feet wide.

(c) Parallel parking spaces shall be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces shall be of a height which will not interfere with the opening and closing of motor vehicle doors.

316.1955

Parking spaces for certain disabled persons.

WHEELCHAIR USERS

(4) Each such parking space shall be outlined with a color of paint and posted with a sign of a color and design approved by the Department of Transportation, with the symbol HP or the internationally accepted wheelchair symbol ²[on the sign].

(5) The state building code and each county or municipal building code shall be construed to include the provisions for parking spaces as specified herein.

(6) It is a violation of this act for any person other than those authorized in this section or in s. 316.1964, s. 320.0842, s. 320.084, or s. 320.0843 to stop, stand, or park a motor vehicle ⁴[within] any such specially designated and marked parking spaces provided in accordance with this act. Whenever a law enforcement officer finds a vehicle violating these provisions, that officer shall:

(a) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the motor vehicle immediately to remove the unauthorized motor vehicle from the parking space. Whenever any motor vehicle is removed by a law enforcement officer or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the motor vehicle.

(b) Charge the operator or other person in charge of the unauthorized motor vehicle with a noncriminal traffic infraction, punishable as provided in s. 318.18(2). However, any person who is chauffeuring a disabled person or a disabled person confined to a wheelchair shall be allowed, without need for an identification sticker, momentary parking on the public streets or highways or in any metered parking space, for the purpose of loading or unloading such disabled person. No penalty shall be imposed upon the driver for such momentary parking.

¹History.—s. 1, ch. 75-105, § 1, ch. 76-31, § 2, ch. 77-83, § 1, ch. 77-444

²Note.—As amended effective October 1, 1977.

³Note.—Bracketed words inserted by the editors.

⁴Note.—Bracketed word inserted by the editors.

⁵Note.—Bracketed word substituted for "with" by the editors.

⁶Note.—Former s. 316.165.

Ch. 320.0842 International wheelchair symbol

§ 553.46 Standards of accessibility for nondiscriminatory persons

Contact point:
Municipal/county/state agency
with jurisdiction over street
parking or publicly owned and
operated parking facilities.

WHEELCHAIR USERS

¹316.1956 Nonpublic parking spaces for certain disabled persons.—

(1) Any business, firm, or other person licensed to do business with the public prior to October 1, 1977, may provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued stickers for their motor vehicles pursuant to the provisions of s. 316.1964 or who have been issued license plates pursuant to s. 320.0842, s. 320.084, or s. 320.0843.

(2) Each such parking space shall be posted with a sign of a color and design approved by the Department of Transportation, with lettering such as "PARKING FOR WHEELCHAIR DISABLED ONLY" and bearing the internationally accepted wheelchair symbol.

(3) Any person, except a person who meets the requirements for the issuance of such sticker or license plate, who parks in any parking space designated with the symbol HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), or the internationally accepted wheelchair symbol is guilty of a traffic infraction, punishable as provided in s. 318.18(2). However, any person who is chauffeuring a disabled person or a disabled person confined to a wheelchair shall be allowed, without need for an identification sticker, momentary parking in any such parking space for the purpose of loading or unloading such a disabled person. No penalty shall be imposed upon the driver for such momentary parking.

(4) Any law enforcement officer shall enforce the provisions of subsection (3).

History.—s. 3, ch. 77-83; s. 2, ch. 77-444.

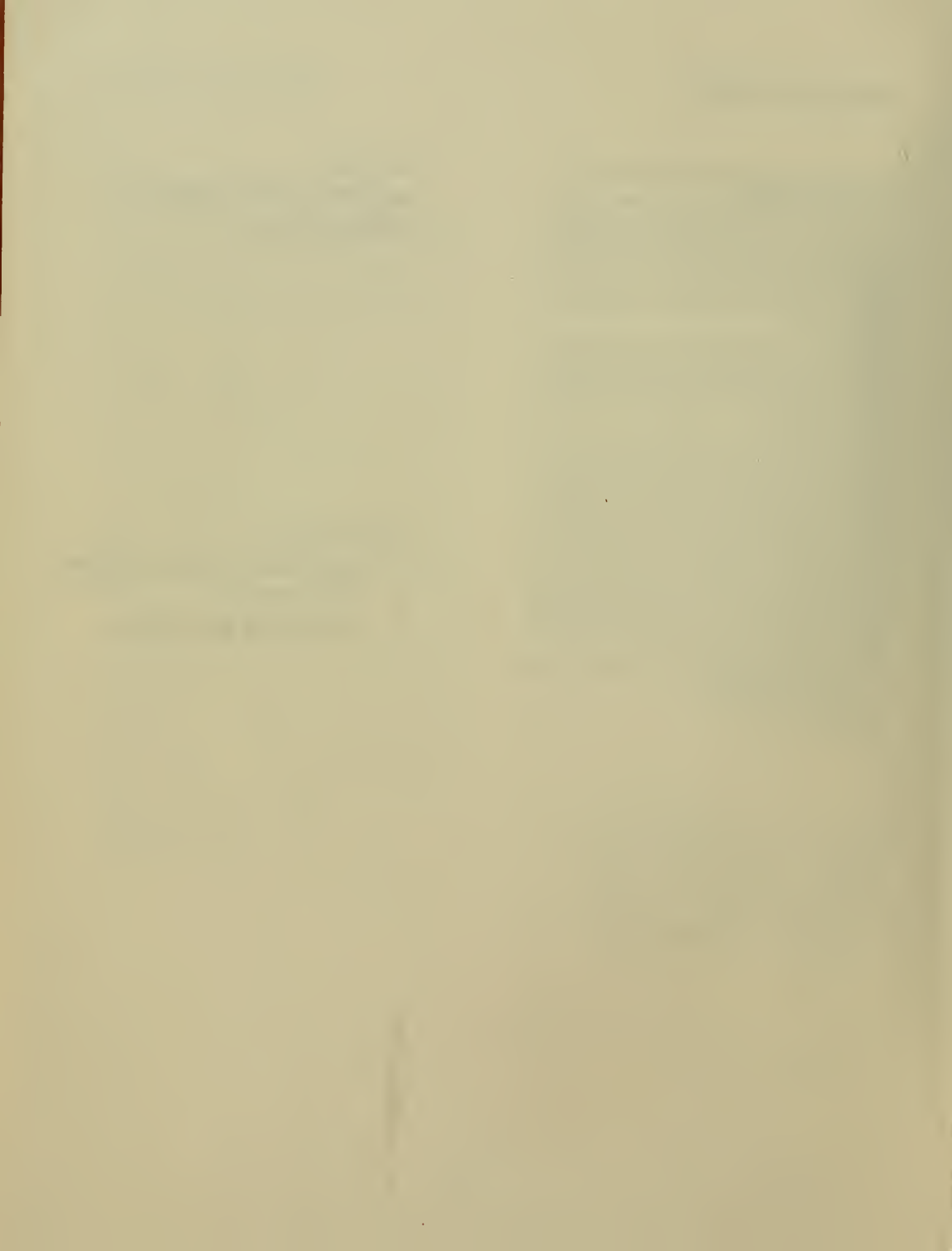
¹Note.—Effective October 1, 1977.

316.1956

Nonpublic parking spaces for disabled persons.

Contact point:

- 1. Department of Transportation district office**
- 2. Local police department.**



CHAPTER 413

VOCATIONAL REHABILITATION

PART I BLIND SERVICES PROGRAM

PART II GENERAL VOCATIONAL
REHABILITATION PROGRAMS

PART I

BLIND SERVICES PROGRAM

- 413.011 Division of Blind Services, internal organizational structure; Advisory Council for the Blind.
- 413.032 Purpose.
- 413.033 Definitions.
- 413.034 Council established; membership.
- 413.035 Duties and powers of the council.
- 413.036 Procurement of services by state agencies; authority of council.
- 413.037 Cooperation with council required; duties of state agencies.

413.011 Division of Blind Services, internal organizational structure; Advisory Council for the Blind.-[Repealed by s. 4, ch. 78-323, effective October 1, 1981, except for the possible effect of laws affecting this section prior to that date.]

413.032 Purpose.-[Repealed by s. 4, ch. 78-323, effective October 1, 1981, except for the possible effect of laws affecting this section prior to that date.]

413.033 Definitions.-[Repealed by s. 4, ch. 78-323, effective October 1, 1981, except for the possible effect of laws affecting this section prior to that date.]

413.034 Council established; membership.-[Repealed by s. 4, ch. 78-323, effective October 1, 1981, except for the possible effect of laws affecting this section prior to that date.]

413.035 Duties and powers of the council.-[Repealed by s. 4, ch. 78-323, effective October 1, 1981, except for the possible effect of laws affecting this section prior to that date.]

413.036 Procurement of services by state agencies; authority of council.-[Repealed by s. 4, ch. 78-323, effective October 1, 1981, except for the possible effect of laws affecting this section prior to that date.]

413.037 Cooperation with council required; duties of state agencies.-[Repealed by s. 4, ch. 78-323, effective October 1, 1981, except for the possible effect of laws affecting this section prior to that date.]

PART II

GENERAL VOCATIONAL
REHABILITATION PROGRAMS

- 413.33 Hearings.

413.33 Hearings.-[Repealed by s. 19, ch. 78-95.]

VOCATIONAL REHABILITATION

CHAPTER 413

VOCATIONAL REHABILITATION

PART I BLIND SERVICES PROGRAM (ss. 413.011-413.091)

PART II GENERAL VOCATIONAL REHABILITATION PROGRAMS (ss. 413.20-413.504)

PART III REHABILITATION PROGRAMS—GENERAL (ss. 413.601-413.605)

PART I

BLIND SERVICES PROGRAM

- 413.011 Division of Blind Services, internal organizational structure; Advisory Council for the Blind.
- 413.012 Confidential records disclosure prohibited; exemptions.
- 413.013 Destruction of records.
- 413.021 Products and services by blind persons; sale, exhibition regulated.
- 413.031 Products, purchase by state agencies and institutions.
- 413.032 Purpose.
- 413.033 Definitions.
- 413.034 Council established; membership.
- 413.035 Duties and powers of the council.
- 413.036 Procurement of services by state agencies; authority of council.
- 413.037 Cooperation with council required; duties of state agencies.
- 413.041 Eligible blind persons; placement in vending facilities in public places.
- 413.051 Eligible blind persons; powers of governing bodies.
- 413.061 Solicitation of funds; prohibition; exceptions.
- 413.062 Application for permit.
- 413.063 Permit.
- 413.064 Rules and regulations.
- 413.065 Notice of approval.
- 413.066 Revocation of permit.
- 413.067 Penalty.
- 413.068 Legislative intent.
- 413.069 Exemptions.
- 413.07 Traffic regulations to assist blind persons.
- 413.08 Equal accommodations for deaf, blind, and visually handicapped; unlawful to prohibit or interfere with; dog guide allowed to accompany.
- 413.091 Identification cards.

413.011 Division of Blind Services, internal organizational structure; Advisory Council for the Blind.—

(1) The internal organizational structure of the Division of Blind Services shall be designed for the purpose of insuring the greatest possible efficiency and effectiveness of services to the blind and to be consistent with chapter 20. The Division of Blind

Services shall plan, supervise, and carry out the following activities:

(a) Recommend personnel as may be necessary to carry out the purposes of this section.

(b) Cause to be compiled and maintained a complete register of the blind in the state, which shall describe the condition, cause of blindness, and capacity for education and industrial training, with such other facts as may seem to the division to be of value.

(c) Inquire into the cause of blindness, inaugurate preventive measures, and provide for the examination and treatment of the blind, or those threatened with blindness, for the benefit of such persons, and shall pay therefor, including necessary incidental expenses.

(d) Aid the blind in finding employment, teach them trades and occupations within their capacities, assist them in disposing of products made by them in home industries, assist them in obtaining funds for establishing enterprises where federal funds reimburse the state, and do such things as will contribute to the efficiency of self-support of the blind.

(e) Establish one or more training schools and workshops for the employment of suitable blind persons; make expenditures of funds for such purposes; receive moneys from sales of commodities involved in such activities and from such funds make payments of wages, repairs, insurance premiums and replacements of equipment. All of the activities provided for in this section may be carried on in cooperation with private workshops for the blind, except that all tools and equipment furnished by the division shall remain the property of the state.

(f) Provide special services and benefits for the blind for developing their social life through community activities and recreational facilities.

(g) Undertake such other activities as may ameliorate the condition of blind citizens of this state.

(h) Cooperate with other agencies, public or private, especially the Division of the Blind and Physically Handicapped of the Library of Congress and the Division of Library Services of the Department of State, to provide library service to the blind and other handicapped persons as defined in federal law and regulations in carrying out any or all of the provisions of this law.

(i) Recommend contracts and agreements with federal, state, county, municipal and private corporations, and individuals.

(j) Receive moneys or properties by gift or bequest from any person, firm, corporation, or organization for any of the purposes herein set out, but

without authority to bind the state to any expenditure or policy except such as may be specifically authorized by law. All such moneys or properties so received by gift or bequest as herein authorized may be disbursed and expended by the division upon its own warrant for any of the purposes herein set forth, and such moneys or properties shall not constitute or be considered a part of any legislative appropriation made by the state for the purpose of carrying out the provisions of this law.

(k) Prepare and make available to the blind, in braille and on electronic recording equipment, Florida Statutes chapters 20, 120, 121, and 413, in their entirety.

(2) There is hereby created in the Department of Education the Advisory Council for the Blind. The council shall be advisory to the Director of the Division of Blind Services and shall consist of five members appointed by the Commissioner of Education and approved by the State Board of Education. At least one person shall be, by preference, a blind person. Appointment shall be for terms of 4 years, except that the initial appointments shall be as follows: Two members for 4 years; one member for 3 years; one member for 2 years; and one member for 1 year. No person or persons in the employ of the state shall be eligible for membership on the council. Each member of the council shall have been a citizen and elector of this state for not less than 5 years immediately preceding the date of his appointment. Members shall receive no compensation for their services, but shall be reimbursed for traveling expenses as provided in s. 112.061 and for fees for the issuance of their commissions.

History.—s. 1, ch. 20714, 1941; s. 1, ch. 21779, 1943; ss. 20, 34, ch. 26937, 1951; s. 1, ch. 61210, s. 19, ch. 63400; s. 1, ch. 67463, ss. 10, 19, 35, ch. 69-106, s. 116, ch. 71-355; s. 157, ch. 71-377; s. 2, ch. 77-259.
Note.—Former s. 409.26.
cf.—s. 17.26 Cancellation of state warrants

413.012 Confidential records disclosure prohibited; exemptions.—

(1) All records furnished to the Division of Blind Services in connection with state or local vocational rehabilitation programs '[and] containing information as to personal facts given or made available to the state or local vocational rehabilitation agency '[or] its representatives or employees in the course of the administration of the program, including lists of names and addresses and records of agency evaluation, shall be held to be confidential.

(2) It is unlawful for any person to disclose, authorize the disclosure, solicit, receive, or make use of any list of names and addresses or any record containing any information set forth in subsection (1) and maintained in the division. The prohibition provided for in this subsection shall not apply to the use of such information for purposes directly connected with the administration of the vocational rehabilitation program or with the monthly dispatch to the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles of the name in full, place and date of birth, sex, social security number, and resident address of individuals with central visual acuity 20/200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field sub-

tends an angular distance no greater than 20 degrees.

(3) Any person who violates a provision of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 65-507; ss. 19, 35, ch. 69-106; s. 1, ch. 71-41; s. 356, ch. 71-136; s. 289, ch. 77-147; s. 3, ch. 77-259.

Note.—Bracketed word inserted by the editors.

413.013 Destruction of records.—The Division of Blind Services may authorize the destruction of any correspondence, documents, or other records when the subject matter involved has been closed or terminated and their preservation is not required by federal or state law, rule, or regulation. No such material shall be destroyed unless specific authority is given by the division and '[unless] said records have been in the possession of the division 5 or more years prior to their destruction.

History.—s. 1, ch. 65-508; ss. 19, 35, ch. 69-106; s. 290, ch. 77-147; s. 4, ch. 77-259.

Note.—Bracketed word substituted by the editors for the words "provided that."

413.021 Products and services by blind persons; sale, exhibition regulated.—

(1) When appearing in the Florida Statutes "blind person" shall mean an individual having central visual acuity 20/200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than 20 degrees.

(2) For the purposes of the Florida Statutes no representation shall be made that a product or service is "blind-made" unless the manufacturer employs blind persons to an extent constituting not less than 75 percent of the total hours worked by personnel engaged in the direct labor of production of manufactured blind-made products, or services. Direct labor production shall mean all work required for the preparation, processing and packing but not including supervision, administration, inspection and shipping, or the production of the materials from which the finished product is manufactured.

(3) No person or organization shall sell, distribute, or exhibit any product or service which purports or is advertised to be "blind-made," unless the Division of Blind Services shall certify that such product or service complies with the provisions of subsection (2).

(4) Any person, including the officers, owners, or members of any corporation or organization that violates the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—ss. 1-4, ch. 28029, 1953; s. 2, ch. 61-210; ss. 19, 35, ch. 69-106; s. 357, ch. 71-136; s. 291, ch. 77-147; s. 5, ch. 77-259.

Note.—Former ss. 413.09, 409.261.

413.031 Products, purchase by state agencies and institutions.—

(1) **DEFINITIONS.**—When used in this section:

(a) "Accredited nonprofit workshop" means a Florida workshop which has been certified by either the Division of Blind Services, for workshops concerned with blind persons, or the 'Division of Voca-

tional Rehabilitation, when other handicapped persons are concerned, and such "workshop" means a place where any [article is manufactured] or handwork is carried on and which is operated for the primary purpose of providing employment to severely handicapped individuals, including the blind, who cannot be readily absorbed in the competitive labor market.

(b) "Handicapped" means an individual so severely disabled physically, or mentally, as to be unable to enter private industry on a competitive basis, but who can be made employable through an accredited nonprofit-making agency for the handicapped, and which individual is over the age of 16 years.

(2) State institutions and agencies shall, where possible, purchase brooms, mops, rugs, rubber mats and other supplies (other than the products of prison labor) from sheltered Florida workshops operated by accredited nonprofit corporations, provided that such goods and supplies are of standard quality and price.

(3) When convenience or emergency requires it, the 'Division of Vocational Rehabilitation may upon request of the purchasing officer of any institution or agency relieve him from the obligation of this section.

(4) No state agency or institution shall purchase products or supplies purporting to be made by physically-handicapped persons in workshops not certified under the provisions of this section.

(5) Any purchasing officer who violates the provisions of this section shall be guilty of a misdemeanor or of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

*History.—*1, ch. 23653, 1955; 2, ch. 61-210; ss. 19, 35, ch. 69-106; s. 358, ch. 71-136; 6 ch. 77-259.

*Note.—See s. 3, ch. 75-48, which abolished the Division of Vocational Rehabilitation and assigned its functions to the Department of Health and Rehabilitative Services.

*Note.—Bracketed words substituted by the editors for "manufactured article."

Note.—Former s. 409.262.

413.032 Purpose.—The purpose of this act is to further the policy of the state to encourage and assist blind and other severely handicapped individuals to achieve maximum personal independence through useful, productive, and gainful employment by assuring an expanded and constant market for their products and services, thereby enhancing their dignity and capacity for self-support and minimizing their dependence on welfare and need for costly institutionalization.

*History.—*1, ch. 74-236.

413.033 Definitions.—As used in ss. 413.032-413.038:

(1) "Blind" means an individual having central visual acuity of 20/200 or less in the better eye with correcting glasses or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than 20 degrees.

(2) "Other severely handicapped" and "severely handicapped individuals" mean an individual or class of individuals under a physical or mental disability other than blindness, which, according to criteria established by the council created in s. 413.034,

after consultation with appropriate entities of the state and taking into account the views of nongovernment entities representing the handicapped, constitutes a substantial handicap to employment and is of such a nature as to prevent the individual under such disability from currently engaging in normal competitive employment.

(3) "Qualified nonprofit agency for the blind" means an agency:

(a) Organized under the laws of the United States or of this state, operated in the interest of blind individuals, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

(b) Which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor of the United States;

(c) Which, in the production of commodities and the provision of services, whether or not the commodities or services are procured under ss. 413.032-413.038, during the fiscal year employs blind individuals for not less than 75 percent of the man-hours of direct labor required for the production or provision of the commodities or services; and

(d) Which meets the criteria for determining nonprofit status under the provisions of s. 196.195 and is registered and in good standing as a charitable organization with the Department of State under the provisions of chapter 496.

(4) "Qualified nonprofit agency for other severely handicapped" means an agency:

(a) Organized under the laws of the United States or of this state, operated in the interest of severely handicapped individuals who are not blind, the net income of which does not inure in whole or in part to the benefit of any shareholder or other individual;

(b) Which complies with any applicable occupational health and safety standard prescribed by the Secretary of Labor of the United States;

(c) Which, in the production of commodities and in the provision of services, whether or not the commodities or services are procured under ss. 413.032-413.038, during the fiscal year employs blind or other severely handicapped individuals for not less than 75 percent of the man-hours of direct labor required for the production or provision of the commodities or services; and

(d) Which meets the criteria for determining nonprofit status under the provisions of s. 196.195, and is registered and in good standing as a charitable organization with the Department of State under the provisions of chapter 496.

(5) "Direct labor" includes all work required for preparation, processing, and packing, but not supervision, administration, inspection, and shipping.

(6) "Agency" includes any political subdivision of the state having its own purchasing agency, such as a county, municipality, school district, or other public body, that is supported in whole or in part by funds appropriated by the legislature.

*History.—*2, ch. 74-236.

413.034 Council established; membership.—

(1) There is created within the Department of General Services a council to be known as the Council for the Purchase of Products and Services of the

Blind or Other Severely Handicapped, to be composed of the Executive Director of the Department of General Services; the Secretary of the Department of Health and Rehabilitative Services; the Director of the Division of Blind Services of the Department of Education; the Director of Prison Industries of the Department of Offender Rehabilitation; and three members to be appointed by the Governor, which three members shall be an executive director of a nonprofit agency for the blind, an executive director of a nonprofit agency for other severely handicapped, and a representative of private enterprise. The appointive members shall serve as follows: Two members shall serve for terms of 4 years, and one member shall serve for a term of 2 years; thereafter, all appointive members shall serve for terms of 4 years.

(2) The members of the council shall elect one of their members to serve as chairman. Any member may designate a representative of his agency or department to represent him at any meeting of the council.

(3) Members of the council shall not be entitled to compensation for their services as members, but shall be reimbursed for traveling expenses as provided in s. 112.061.

History.—s. 3, ch. 74-236; s. 1, ch. 76-264, s. 7, ch. 77-259.

413.035 Duties and powers of the council.—

(1) It shall be the duty of the council to determine the market price of all products and services offered for sale to the various agencies of the state by any qualified nonprofit agency for the blind or other severely handicapped. The price shall recover for the nonprofit agency the cost of raw materials, labor, overhead, and delivery cost, but without profit, and shall be revised from time to time in accordance with changing cost factors. The council shall make such rules and regulations regarding specifications, time of delivery, assignment of products and services to be supplied by nonprofit agencies for the blind or by agencies for the other severely handicapped, with priority for assignment of products to agencies for the blind, authorization of a central nonprofit agency to facilitate the allocation of orders among qualified nonprofit agencies for the blind, authorization of a central nonprofit agency to facilitate the allocation of orders among qualified nonprofit agencies for other severely handicapped, and other relevant matters of procedure as shall be necessary to carry out the purposes of this act. The council shall authorize the purchase of products and services elsewhere when requisitions cannot reasonably be complied with through the nonprofit agencies for the blind and other severely handicapped.

(2) The council shall establish and publish a list of products and services provided by any qualified nonprofit agency for the blind and any nonprofit agency for the other severely handicapped, which the council determines are suitable for procurement by agencies of the state pursuant to this act. This procurement list and revision thereof shall be distributed to all purchasing officers of the state and its political subdivisions.

History.—s. 4, ch. 74-236, s. 1, ch. 77-174

413.036 Procurement of services by state agencies; authority of council.—If any agency intends to procure any product or service on the procurement list, that agency shall, in accordance with rules and regulations of the council, procure such product or service at the price established by the council from a qualified nonprofit agency for the blind or for the other severely handicapped if the product or service is available within a reasonable delivery time. This act shall not apply in any case in which products or services are available for procurement from any agency of the state and procurement therefrom is required under the provision of any law currently in effect.

History.—s. 5, ch. 74-236.

413.037 Cooperation with council required; duties of state agencies.—

(1) In furtherance of the purposes of this act and in order to contribute to the economy of state government, it is the intent of the Legislature that there be close cooperation between the council and any agency of the state from which procurement of products or services is required under the provision of any law currently in effect. The council and any such agency of the state are authorized to enter into such contractual agreements, cooperative working relationships, or other arrangements as may be determined to be necessary for effective coordination and efficient realization of the objectives of this act and any other law requiring procurement of products or services from any agency of the state.

(2) The council may secure directly from any agency of the state information necessary to enable it to carry out this act. Upon request of the chairman of the council, the head of the agency shall furnish such information to the council.

(3) Space shall be set aside in the state capital for the purpose of exhibiting products produced by clients of rehabilitation-oriented agencies of the state.

History.—ss. 6, 8, ch. 74-236.

413.041 Eligible blind persons; placement in vending facilities in public places.—For the purpose of assisting blind persons to become self-supporting, the Division of Blind Services is hereby authorized to carry on activities to promote the employment of eligible blind persons, including the licensing and establishment of such persons as operators of vending facilities on public property. The said division may cooperate with any agency of the Federal Government in the furtherance of the provisions of the Act of Congress entitled "An Act to authorize the operation of stands in federal buildings by blind persons, to enlarge the economic opportunities of the blind and for other purposes," Public Law 732, 74th Congress, and the said division may cooperate in the furtherance of the provisions of any other act of Congress providing for the rehabilitation of the blind that may now be in effect or may hereafter be enacted by Congress.

History.—s. 1, ch. 22681, 1945, ss. 21, 34, ch. 26937, 1951, s. 2, ch. 61-210; ss. 19, 35, ch. 69-106, s. 292, ch. 77-147, s. 8, ch. 77-259.

413.051 Eligible blind persons; powers of governing bodies.—

(1) The board of county commissioners of any county and the board, council, commission, or officials in charge of any public state, county, or municipal building or property in this state may permit the operation of vending facilities by eligible blind persons [and] by the Division of Blind Services for the benefit of eligible blind persons on such state, county, or municipal property under their respective jurisdiction; provided, however, that the establishment of such vending facilities or automatic vending machines on public property shall not unduly interfere with the use of the public property for public purposes; and provided, further, that all blind operators of such vending facilities on such public property be licensed by the Division of Blind Services of the Department of Education and that the facilities be operated by, or under the supervision and direction of, said division. In authorizing the operation of vending facilities on public property, where the service requirements of the location fall within the physical capabilities of the eligible blind, preference shall be given to the greatest extent feasible to blind persons licensed by the Division of Blind Services as provided in this chapter.

(2) It is the legislative intent that this section shall not apply or operate, in any manner, to divest any person or organization presently operating vending facilities or automatic vending machines in state, county, or municipal buildings, or on state, county, or municipal property, from continuing to do so.

History.—s. 2, ch. 22581, 1945; s. 1, ch. 25141, 1949; ss. 22, 34, ch. 26937, 1951; s. 10, ch. 27991, 1955; s. 2, ch. 61-210; ss. 1, 2, ch. 65-227; ss. 19, 35, ch. 69-106, s. 293, ch. 77-147; s. 9, ch. 77-259.

*Note.—Bracketed word inserted by the editors

*Note.—Former s. 409.272

413.061 Solicitation of funds; prohibition; exceptions.—The solicitation of funds or anything of value, by any means, including the sale of merchandise or any form of entertainment, for the use and benefit of blind persons is prohibited unless prior approval for such solicitation is obtained as prescribed in ss. 413.061-413.068; provided, these sections shall not apply to civic clubs of international affiliation, one of the main objects of which is the conservation of vision and service to the blind.

History.—s. 1, ch. 29989, 1955; s. 2, ch. 61-210; s. 3, ch. 76-168.

*Note.—Repealed by s. 3, ch. 76-168, effective July 1, 1982

*Note.—Former s. 409.281.

413.062 Application for permit.—Any person, agency, or organization desiring to solicit funds or anything of value for the benefit of blind persons shall file a written application with the Division of Blind Services. The application shall set forth the time, place, and type of the proposed solicitation; proposed use of the receipts from said solicitation; names and addresses of persons who will be responsible for the proper custody and disposition of receipts; and any other information the division may determine to be necessary.

History.—s. 1, ch. 29989, 1955; s. 2, ch. 61-210; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 294, ch. 77-147; s. 10, ch. 77-259.

*Note.—Repealed by s. 3, ch. 76-168, effective July 1, 1982

413.063 Permit.—The Division of Blind Services shall make a thorough investigation of the applicant and of the facts alleged in his application. If the applicant is found to be responsible and the purposes and method of the proposed solicitation are determined to be in the best interests of blind persons and public welfare, the Division of Blind Services shall issue to the applicant a written permit authorizing him to conduct the proposed solicitation. Such permit shall be limited to a period of 1 year. It shall set forth the specified method, purpose, and organization of the solicitation which is approved and shall list the names of persons responsible for its conduct.

History.—s. 1, ch. 29989, 1955; s. 2, ch. 61-210; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 295, ch. 77-147; s. 11, ch. 77-259.

*Note.—Repealed by s. 3, ch. 76-168, effective July 1, 1982.

*Note.—Former s. 409.283.

413.064 Rules and regulations.—The State Board of Education shall adopt all necessary rules and regulations pertaining to the conduct of solicitations for the benefit of blind persons and shall determine the amount of compensation and expense money which may be retained by any person or organization from the proceeds of any solicitation within the meaning of ss. 413.061-413.068.

History.—s. 1, ch. 29989, 1955; s. 3, ch. 61-210; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 296, ch. 77-147; s. 12, ch. 77-259.

*Note.—Repealed by s. 3, ch. 76-168, effective July 1, 1982.

*Note.—Former s. 409.284.

413.065 Notice of approval.—Every person who holds a permit under the provisions of ss. 413.061-413.068 shall cause to appear upon every ticket, advertisement, subscription, form, placard, article, or other bit of property used in direct connection with the promotion of such solicitation, and shall post in a conspicuous place near the entrance to any building or structure where any entertainment or sale is held hereunder, a statement that such solicitation activity has been approved by the Division of Blind Services.

History.—s. 1, ch. 29989, 1955; s. 3, ch. 61-210; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 297, ch. 77-147; s. 13, ch. 77-259.

*Note.—Repealed by s. 3, ch. 76-168, effective July 1, 1982

413.066 Revocation of permit.—Any failure on the part of any person or organization holding a permit under the provisions of ss. 413.061-413.068 to comply with the law or with all rules and regulations promulgated by the Division of Blind Services as authorized by s. 413.064 shall constitute grounds for a revocation of said permit by the Division of Blind Services.

History.—s. 1, ch. 29989, 1955; s. 3, ch. 61-210; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 298, ch. 77-147; s. 14, ch. 77-259.

*Note.—Repealed by s. 3, ch. 76-168, effective July 1, 1982

*Note.—Former s. 409.285.

413.067 Penalty.—Any person who violates the provisions of ss. 413.061-413.068 or any rule or regulation promulgated by the Division of Blind Services pursuant to the authority hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 29989, 1955; s. 3, ch. 61-210; ss. 19, 35, ch. 69-106; s. 359, ch. 77-136; s. 3, ch. 76-168; s. 299, ch. 77-147; s. 15, ch. 77-259.

*Note.—Repealed by s. 3, ch. 76-168, effective July 1, 1982.

Note.—Former s 409.287.

413.068 Legislative intent.—It is the intent of the Legislature that the securing of a permit from the Division of Blind Services shall be a condition precedent to the solicitation of funds for the benefit of the blind in this state, except as otherwise provided in ss. 413.061-413.068, and said sections shall supersede the provisions of any county or city law regulating the solicitation of such funds which do not require such a permit.

History.—s 1, ch. 29989, 1955; s 3, ch. 61-210, ss 19, 35, ch. 69-106, s 3, ch. 76-168, s 300, ch. 77-147; s 16, ch. 77-259

Note.—Repealed by s 3, ch. 76-168, effective July 1, 1982.

Note.—Former s 409.288.

413.069 Exemptions.—Nothing contained in ss. 413.061-413.068 shall interfere with the activities of the National Federation of the Blind of Florida, the Florida Council of the Blind, the Blinded Veterans Association of Florida, [or] the Lions Clubs of Florida, provided that such organizations file an annual report with the Department of State showing total receipts and disbursements by subject.

History.—s 1, ch. 29989, 1955; s 3, ch. 61-210, ss 10, 35, ch. 69-106, s 147, ch. 77-104, s 17, ch. 77-259

Note.—Bracketed word substituted by the editors for "and."

Note.—Former s 409.289.

413.07 Traffic regulations to assist blind persons.—

(1) It is unlawful for any person, unless totally or partially blind or otherwise incapacitated, while on any public street or highway, to carry in a raised or extended position a cane or walking stick which is white in color or white tipped with red.

(2) Whenever a pedestrian is crossing, or attempting to cross, a public street or highway, guided by a dog guide or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching the intersection or place where such pedestrian is attempting to cross shall bring his vehicle to a full stop before arriving at such intersection or place of crossing and, before proceeding, shall take such precautions as may be necessary to avoid injuring such pedestrian.

(3) Nothing contained in this section shall be construed to deprive any totally or partially blind or otherwise incapacitated person not carrying such a cane or walking stick, or not being guided by a dog, of the rights and privileges conferred by law upon pedestrians crossing streets or highways; nor shall the failure of such totally or partially blind or otherwise incapacitated person to carry a cane or walking stick, or to be guided by a dog guide, upon the streets, highways, or sidewalks of this state be held to constitute, or be evidence of, contributory negligence.

(4) Any person who violates any provision of this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—ss 1-4, ch. 25269, 1949; s 10, ch. 26484, 1951; s 360, ch. 71-136, s 18, ch. 77-259

413.08 Equal accommodations for deaf, blind, and visually handicapped; unlawful to prohibit or interfere with; dog guide allowed to accompany.—

(1)(a) The deaf, blind, and visually handicapped are entitled to full and equal accommodations, advantages, facilities, and privileges on all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, or any other public conveyances or modes of transportation and at hotels, lodging places, places of public accommodation, amusement or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

(b) Every deaf person and totally or partially blind person shall have the right to be accompanied by a dog guide, especially trained for the purpose, in any of the places listed in paragraph (a) without being required to pay an extra charge for the dog guide; however, he shall be liable for any damage done to the premises or facilities by such dog.

(2) Any person, firm, or corporation, or the agent of any person, firm, or corporation, who denies, or interferes with, admittance to, or enjoyment of, the public facilities enumerated in subsection (1) or otherwise interferes with the rights of a deaf or totally or partially blind person under this section shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) It is the policy of this state that the deaf, blind, visually handicapped, and otherwise physically disabled shall be employed in the service of the state or political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds, and no employer shall refuse employment to the deaf, blind, the visually handicapped, or the otherwise physically disabled on the basis of the disability alone, unless it is shown that the particular disability prevents the satisfactory performance of the work involved.

(4) Deaf persons, blind persons, and visually handicapped persons shall be entitled to rent, lease, or purchase, as other members of the general public, all housing accommodations offered for rent, lease, or other compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons.

(a) "Housing accommodations" means any real property or portion thereof which is used or occupied, or intended, arranged, or designed to be used or occupied, as the home, residence, or sleeping place of one or more human beings, but shall not include any single-family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

(b) Nothing in this section shall require any person renting, leasing, or otherwise providing real property for compensation to modify his property in any way or provide a higher degree of care for a deaf person, blind person, or visually handicapped person than for a person who is not so handicapped.

(c) Every deaf person [or] totally or partially blind person who has a dog guide, or who obtains a dog guide, shall be entitled to full and equal access to all housing accommodations provided for in this section, and he shall not be required to pay extra compensation for such dog guide. However, he shall

be liable for any damage done to the premises by such dog guide.

(5) Any employer covered under subsection (3) who discriminates against the deaf, blind, visually handicapped, or otherwise physically disabled in employment, unless it is shown that the particular disability prevents the satisfactory performance of the work involved, or any person, firm, or corporation, or the agent of any person, firm, or corporation, providing housing accommodations as provided in subsection (4) who discriminates against the deaf, blind, visually handicapped, or otherwise physically disabled is guilty of a misdemeanor of the second degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 1, ch. 25268, 1949; s. 1, ch. 61-217; s. 361, ch. 71-136; s. 1, ch. 71-276, s. 1, ch. 73-110; s. 1, ch. 74-286; s. 1, ch. 77-174; s. 19, ch. 77-259.

Note.—Bracketed word substituted by the editors for the word "and."

413.091 Identification cards.—

(1) The Division of Blind Services of the Department of Education is hereby empowered to issue identification cards to persons known to be blind or partially sighted, upon the written request of such individual.

(2) The individual shall submit proof of blindness as specified by the division.

(3) The division will be responsible for design and content of the identification card and shall develop and promulgate rules, regulations, and procedures relating to the eligibility and application for, and issuance and control of, these identification cards.

History.—ss. 1-3, ch. 71-265; s. 301, ch. 77-147; s. 20, ch. 77-259.

PART II

GENERAL VOCATIONAL REHABILITATION PROGRAMS

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413.20 Definitions.—In ss. 413.20-413.45:

- (1) "Department" means the Department of Health and Rehabilitative Services;
- (2) "Employment handicap" means a physical or mental condition which constitutes, contributes to, or if not corrected will probably result in an impairment of occupational performance;
- (3) "Disabled individual" means any person who has a substantial employment handicap;
- (4) "Vocational rehabilitation" and "vocational rehabilitation services" mean any service, provided directly or through public or private instrumentalities, found by the department to be necessary to compensate a disabled individual or group of individuals for an employment handicap and to enable such individual or group of individuals to engage in an occupation, including, but not limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, placement equipment and materials, maintenance, and training books and materials;
- (5) "Rehabilitation training" means all necessary training provided to a disabled individual to compensate for his employment handicap including, but not limited to, manual, preconditioning, prevocational, vocational and supplementary training and training provided for the purpose of developing occupational skills and capacities;
- (6) "Physical restoration" means any medical, surgical, or therapeutic treatment necessary to correct or substantially reduce a disabled individual's employment handicap within a reasonable length of time, including, but not limited to, medical, psychiatric, dental, and surgical treatment, nursing service, hospital care, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances;
- (7) "Prosthetic appliance" means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ;
- (8) "Occupational licenses" means any license, permit, or other written authority required by any governmental unit to be obtained in order to engage in an occupation;
- (9) "Maintenance" means money payments not

exceeding the estimated cost of subsistence during vocational rehabilitation;

(10) "Regulations" means regulations made by the department and promulgated in the manner prescribed by law;

(11) "State plan" means the state plan approved by the Federal Government to qualify for federal funds under the Vocational Rehabilitation Act;

(12) "Act" or "Federal Act" means the Federal Vocational Rehabilitation Act as amended (29 U.S.C. ch. 4).

History.—s. 2, ch. 25364, 1949; s. 13, ch. 65-239; ss. 15, 19, 35, ch. 69-106; ss. 1, 2, ch. 69-344, s. 158, ch. 71-377; s. 302, ch. 77-147.

Note.—Former s. 229.26; s. 229.0100.

413.22 Department; regulations.—The Department of Health and Rehabilitative Services shall prepare regulations governing personnel standards; the protection of records and confidential information; the manner and form of filing applications; eligibility, and investigation and determination thereof, for vocational rehabilitation services; procedures for fair hearings; and such other regulations as it finds necessary to carry out the purposes of this part.

History.—s. 4, ch. 25364, 1949; s. 13, ch. 65-239; s. 2, ch. 67-438, s. 159, ch. 71-377; s. 304, ch. 77-147.

Note.—Former s. 229.28; s. 229.0102.

413.23 Administration.—The Department of Health and Rehabilitative Services shall provide vocational rehabilitation services to disabled individuals determined to be eligible therefor and, in carrying out the purposes of ss. 413.20-413.45, the department is authorized, among other things:

(1) To cooperate with other departments, agencies, and institutions, both public and private, in providing for the vocational rehabilitation of disabled individuals, in studying the problems involved therein, and in establishing, developing, and providing, in conformity with the purposes of ss. 413.20-413.45, such programs, facilities, and services as may be necessary or desirable;

(2) To enter into reciprocal agreements with other states to provide for the vocational rehabilitation of residents of the states concerned;

(3) To conduct research and compile statistics relating to the vocational rehabilitation of disabled individuals.

History.—s. 5, ch. 25364, 1949; s. 13, ch. 65-239; ss. 19, 35, ch. 69-106; s. 117, ch. 71-355, s. 305, ch. 77-147.

Note.—Former s. 229.29; s. 229.0103.

413.24 Cooperation with Federal Government.—The Department of Health and Rehabilitative Services shall cooperate, pursuant to agreements, with the Federal Government in carrying out the purposes of any federal statutes pertaining to vocational rehabilitation and is authorized to adopt such methods of administration not in conflict with the laws of Florida as are found by the Federal Government to be necessary for the proper and efficient operation of such agreements or plans for vocational rehabilitation and to comply with such conditions as may be necessary to secure the full benefits of such federal statutes.

History.—s. 6, ch. 25364, 1949; s. 13, ch. 65-239; ss. 19, 35, ch. 69-106, s. 306, ch. 77-147.

Note.—Former s. 229.30; s. 229.0104.

413.25 State accepts provisions of Vocational Rehabilitation Act.—The consent of the state is given to the provisions and requirements of the Act of Congress approved by the President June 2, 1920, amended June 5, 1924, entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," and any acts supplementary thereto or amendatory thereof, usually referred to as the Federal Vocational Rehabilitation Act.

History.—s. 1021, ch. 19355, 1939, CGL 1940 Supp. 892(340); s. 24, ch. 29784, 1955; s. 13, ch. 65-239; s. 3, ch. 69-344.

Note.—Former s. 236.21, s. 229.301; s. 229.0105.

413.26 Cooperative agreements with other governmental agencies relative to joint use of services and facilities.—

(1) The Department of Health and Rehabilitative Services is authorized to enter into cooperative agreements with any state agency or institution, county, county agency or institution, municipality, or municipal agency or institution having legal responsibility for the care of the disabled for the purpose of enabling the department and the cooperating governing bodies, agencies and institutions to utilize jointly their services and facilities to enlarge and improve the opportunities for disabled individuals to achieve self-support or self-care.

(2) For this section to be valid an agreement must be entered into mutually by the governing bodies, agencies, or institutions involved and must be approved by the administrative officers or by the boards governing the counties, municipalities, agencies, or institutions. The agreements shall provide only for those services by each political subdivision, agency or institution which the political subdivision, agency or institution is authorized by law to provide; provided that any political subdivision, agency or institution shall be permitted to withdraw and terminate its part of an agreement at the end of any fiscal year by giving the other political subdivision, agency or institution involved 30 days' notice.

(3) In order to effectuate the provisions of this section, the Department of Administration is authorized and empowered within its discretion when it finds it to be in the public interest to permit two or more agencies, institutions, county or city governments, pursuant to their mutual, unanimous request to pool portions of their funds or to transfer portions of their funds to the account of the department in order to carry out plans for rehabilitation which are lawful and which give promise of better achieving the rehabilitation of disabled persons than would result through the separate efforts of the participants in the agreement. Funds pooled or transferred under this act may be made available for expenditures for rehabilitation by the agency designated in the agreement to disburse such funds. Funds expended pursuant to agreements authorized under this act may be utilized for the purpose of matching funds available under the terms of federal laws pertaining to the rehabilitation of handicapped persons.

(4) A copy of each agreement made pursuant to this act shall be filed with the Department of State

within a period of 30 days following the consummation of such agreement.

History.—ss. 1-4, ch. 63-246, s. 13, ch. 65-239, ss. 2, 3, ch. 67-371; ss. 10, 19, 31, 35, ch. 69-106, s. 4, ch. 69-344, s. 307, ch. 77-147.

Note.—Former s. 229-302; s. 229-0106.

413.27 Cooperative agreements with Florida School for the Deaf and Blind.—

(1) The Department of Health and Rehabilitative Services is authorized to enter into cooperative agreements with the board of trustees of the Florida School for the Deaf and Blind for the purpose of enabling said agencies to utilize jointly their services and facilities to enlarge and improve the opportunities for the deaf and blind individuals to achieve self-support or self-care.

(2)(a) For such an agreement to be valid, it must be entered into mutually by such agencies and must be approved by the administrative officers or by the boards governing same. The agreement may provide for those services which each agency or institution is authorized by law to furnish; provided that such agreement may establish a vocational rehabilitation facility for the deaf at the Florida School for the Deaf and Blind which facility may accept as clients any deaf adult otherwise qualified for admission. Either agency may withdraw and terminate its part of such agreement at the end of any fiscal year by giving the other agency involved 30 days' notice.

(b) The board of trustees of the Florida School for the Deaf and Blind is authorized to use funds now in its budget for matching those of the department, in furtherance of such agreement. Said school may employ such additional personnel as may be necessary to implement such agreement.

(3) In order to effectuate the provisions of this section, the Department of Administration shall, upon the conclusion of any such agreement, pool portions of the funds of said agencies as indicated in such agreement. Funds pooled or transferred under this section may be made available for expenditures for rehabilitation by the agency designated in the agreement to disburse such funds, and may be used to compensate additional personnel employed under subsection (2)(b). Funds expended pursuant to any agreement authorized under this section may be utilized for the purpose of matching funds available under the terms of federal laws pertaining to the rehabilitation of the deaf.

(4) A copy of any such agreement, when and if concluded pursuant hereto, shall be filed with the Department of State within a period of 30 days following the consummation of such agreement.

History.—ss. 1-4, ch. 63-389, s. 13, ch. 65-239, ss. 2, 3, ch. 67-371; ss. 10, 15, 19, 31, 35, ch. 69-106, s. 308, ch. 77-147.

Note.—Former s. 229-303, s. 229-0107.

413.28 Appropriations of federal funds.—In the event federal funds are available to the state for vocational rehabilitation purposes, the Department of Health and Rehabilitative Services is authorized to comply with such requirements as may be necessary to obtain said federal funds in the most advantageous proportions possible insofar as this may be done without violating other provisions of the state law and Constitution. Any federal funds received as reimbursement of state expenditures for a prior year shall be added to the state appropriation for the fis-

cal year during which such funds are reimbursed and the same shall be made available for expenditure and so expended as to entitle the department to receive any federal matching funds which may be available for vocational rehabilitation pursuant to such expenditures.

History.—s. 7, ch. 25364, 1949, s. 25, ch. 29764, 1955, s. 13, ch. 65-239, ss. 2, 3, ch. 67-371; ss. 19, 31, 35, ch. 69-106, s. 160, ch. 71-377, s. 1, ch. 73-305; s. 309, ch. 77-147.

Note.—Former s. 229-31, s. 229-0108.

413.29 Gifts.—The Department of Health and Rehabilitative Services is hereby authorized and empowered to accept and use gifts made unconditionally by will or otherwise for carrying out the purposes of ss. 413.20-413.45. Gifts made under such conditions as in the judgment of the department are proper and consistent with the provisions of ss. 413.20-413.45 and the laws of the United States and the laws of Florida may be so accepted and shall be held, invested, reinvested, and used in accordance with the condition of the gift.

History.—s. 8, ch. 25364, 1949, s. 13, ch. 65-239; ss. 19, 35, ch. 69-106; s. 310, ch. 77-147.

Note.—Former s. 229-32, s. 229-0109.

413.30 Eligibility for vocational rehabilitation.—

(1) Vocational rehabilitation services may be provided to any disabled individual:

(a) Whose vocational rehabilitation, the Department of Health and Rehabilitative Services determines after full investigation, can be satisfactorily achieved; or

(b) Who is eligible therefor under the terms of an agreement with another state or with the Federal Government.

(2) Eligibility when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that:

(a) A physical or mental disability is present;

(b) A substantial handicap to employment exists; and

(c) Vocational rehabilitation services may reasonably be expected to render the individual fit to engage in a gainful occupation.

History.—s. 9, ch. 25364, 1959, s. 13, ch. 65-239; ss. 19, 35, ch. 69-106; s. 5, ch. 69-344, s. 311, ch. 77-147.

Note.—Former s. 229-33, s. 229-0110.

413.31 Benefits not assignable.—The right of a disabled individual to any of the benefits under ss. 413.20-413.45 shall not be transferable or assignable at law or in equity and any benefits, including money, goods or chattels received hereunder shall be exempt from all state, county and municipal taxes and from sale under the process of any court, except for obligations contracted for the purchase of such property.

History.—s. 10, ch. 25364, 1949, s. 13, ch. 65-239.

Note.—Former s. 229-34, 229-0111.

413.32 Retention of title to and disposal of equipment.—

(1) The Department of Health and Rehabilitative Services is authorized to retain title to any property, tools, instruments, training supplies, equipment or other items of value acquired for use of handicapped persons or employed personnel in the operation of the vocational rehabilitation program, and to repos-

sess and transfer same for the use of other handicapped persons or employees.

(2) The department is authorized to offer for sale any surplus items acquired in the operation of the program when they are no longer necessary, or to exchange them for necessary items which may be used to greater advantage. When any such surplus equipment is sold or exchanged a receipt for same shall be taken from the purchaser showing the consideration given for such equipment and forwarded to the treasurer and any funds received by the department pursuant to any such transactions shall be deposited in the State Treasury in the appropriate federal or state rehabilitation funds and shall be available for expenditure for any purpose consistent with ss. 413.20-413.45.

History.—s. 11, ch. 25364, 1949; s. 13, ch. 65-239; ss. 19, 35, ch. 69-106, s. 312, ch. 77-147.

Note.—Former s. 229.35; s. 229.0112.

413.33 Hearings.—Any individual applying for or receiving vocational rehabilitation who is aggrieved by any action or inaction of the Department of Health and Rehabilitative Services shall be entitled, in accordance with regulations, to a hearing in accordance with the regulations adopted and promulgated by the department on that subject.

History.—s. 12, ch. 25364, 1949; s. 13, ch. 65-239; ss. 19, 35, ch. 69-106, s. 313, ch. 77-147.

Note.—Former s. 229.36; s. 229.0113.

413.34 Misuse of vocational rehabilitation lists and records.—It shall be unlawful, except for purposes directly connected with the administration of the vocational rehabilitation program, and in accordance with regulations, for any person or persons to solicit, disclose, receive, or make use of, or authorize, knowingly permit, participate in, or acquiesce in the use of any list of, or names of, or any information concerning, persons applying for or receiving vocational rehabilitation, directly or indirectly derived from the records, papers, files, or communications of the state or subdivisions or agencies thereof, or acquired in the course of the performance of official duties. Any violation of this provision is hereby declared to be a misdemeanor and shall be punishable accordingly.

History.—s. 13, ch. 25364, 1949; s. 13, ch. 65-239

Note.—Former s. 229.37; s. 229.0114

413.35 Limitation on political activity.—No officer or employee engaged in the administration of the vocational rehabilitation program shall use his official authority or influence to permit the use of the vocational rehabilitation program for the purpose of interfering with an election or affecting the results thereof or for any partisan political purpose. No such officer or employee, excluding elective officials and constitutional officers, shall take any active part in the management of political campaigns or participate in any political activity, except that he shall retain the right to vote as he may please and to express his opinion as a citizen on all subjects. No such officer or employee shall solicit or receive, nor shall any such officer or employee be obliged to contribute or render, any service, assistance, subscription, assessment, or contribution for any political purpose. Any officer or employee violating this pro-

vision shall be subject to discharge or suspension. No such officer or employee engaged in the administration of the vocational rehabilitation program, except elective officials and constitutional officers, shall be appointed or promoted as a reward for loyalty and effort in a political campaign or other political activity, nor shall any such officer or employee be demoted or discharged because of political affiliation or lack of same except as a disciplinary measure in instances of violation of the prohibitions against political activity. Any violation of this section is declared to be a misdemeanor and punishable accordingly.

History.—s. 14, ch. 25364, 1949; s. 13, ch. 65-239.

Note.—Former s. 229.38; s. 229.0115.

cf.—s. 104.31 Political activities of state officers and employees.

413.36 Duties of other agencies and officials regarding ss. 413.20-413.45.—It shall be the duty of all officials in charge of state or county agencies whose official duties enable them to know the needs of disabled individuals for vocational rehabilitation to report to the Department of Health and Rehabilitative Services the names of such individuals who come to their attention and who appear to be eligible and feasible for vocational rehabilitation services provided under ss. 413.20-413.45. Such officials shall cooperate with the department in carrying out the purpose of ss. 413.20-413.45 insofar as their duties and facilities permit, but the department may not delegate any of its duties and responsibilities under ss. 413.20-413.45 to any other agency or individual except with respect to disabled individuals for each of whom a vocational rehabilitation plan has been approved by the department or by a member of its staff to whom it has delegated authority to approve individual vocational rehabilitation plans. However, nothing in ss. 413.20-413.45 shall be so construed as to prevent other agencies from rendering services to disabled individuals not designed especially for the purpose of vocationally rehabilitating such individuals or services to which disabled individuals might be entitled without regard to their disabilities.

History.—s. 15, ch. 25364, 1949; s. 13, ch. 65-239; ss. 19, 35, ch. 69-106, s. 314, ch. 77-147.

Note.—Former s. 229.39; s. 229.0116.

413.37 Self-care program for handicapped; legislative findings.—It is hereby found by the Legislature of the state that many seriously disabled persons are institutionalized or require the services of an attendant and that studies and demonstrations have shown that many such persons, although not apparently feasible for vocational rehabilitation services based on a plan designed to prepare for employment in a designated vocation as now required for eligibility for vocational rehabilitation services nevertheless could be substantially assisted toward achieving ability for self-care by the services the Department of Health and Rehabilitative Services could render to them and that such persons might be made able to dispense with or greatly reduce the need for services of an attendant or for institutional care, thereby relieving such individuals from being a burden on others and helping to restore and maintain their independence and self-respect; and such persons, after achieving the ability to care for themselves, may later through further rehabilitation ser-

vices be rendered able to perform remunerated work thereby making them less dependent on others for financial support. The Legislature further finds that the department which serves approximately 20,000 disabled individuals annually, is specially qualified and equipped by over 30 years of rehabilitation experience and by the nature of its comprehensive program of disability evaluation, studies of individual capacity for employment, and vocational rehabilitation services leading to the employment of handicapped persons to administer such a program and that it is in the best interest of the state that such a program be established as a means of providing necessary services to individuals, thereby reducing and discouraging dependency and encouraging individual effort for self-support.

History.—s. 1, ch. 59-385, s. 13, ch. 65-239, s. 315, ch. 77-147.

Note.—Former s. 229-411, s. 229-0121.

413.38 Definitions.—

(1) "Severely handicapped person" is defined to mean a person of employable age with a physical or mental disability so handicapping as to require that he be institutionalized or have the services of an attendant in order to provide himself with his daily living requirements.

(2) "Evaluation services for rehabilitation purposes" means comprehensive, individual case studies including diagnosis, psychological and physical tests of capacity for training and rehabilitation, and such other procedures and observations necessary to determine the nature and extent of a handicap, its effect on employability and ability for self-care, the attitude of the individual toward his handicap and especially his desire to overcome the handicap through training and rehabilitation procedures, the prognosis for improvement and the practical procedures and training necessary to achieve the ability of self-care and for eventual employment.

(3) "Self-care rehabilitation services" means such diagnostic, psychological, medical, surgical, physical restoration, guidance, training and related services including equipment and prosthetic appliances and training in their use needed to enable a severely handicapped person to dispense with or largely dispense with the need for institutional care or for the services of an attendant and to achieve, insofar as practicable, the ability for independent living.

(4) "Severely handicapped person eligible for self-care rehabilitation services" means such person whose rehabilitation for self-care purposes the Department of Health and Rehabilitative Services finds to be feasible under the provisions of this law.

History.—s. 2, ch. 59-385, s. 13, ch. 65-239, s. 316, ch. 77-147.

Note.—Former s. 229-42, s. 229-0122.

413.39 Administration; self-care program.—

The Department of Health and Rehabilitative Services is hereby authorized, in addition to its other duties and responsibilities, to administer a program of self-care rehabilitation services for severely handicapped persons who appear to be feasible for such services.

History.—s. 3, ch. 59-385, s. 13, ch. 65-239, ss. 19, 35, ch. 69-106, s. 317, ch. 77-147.

Note.—Former s. 229-43, s. 229-0123.

413.40 Powers of department; self-care program.—The Department of Health and Rehabilitative Services in carrying out a program of providing self-care rehabilitation services to severely handicapped persons shall be authorized to:

- (1) Employ necessary personnel;
- (2) Employ consultants;
- (3) Provide diagnostic, medical, and psychological and other evaluation services;
- (4) Provide training necessary for rehabilitation;
- (5) Provide for persons found to require financial assistance with respect thereto maintenance while undergoing rehabilitation, transportation incident to necessary rehabilitation services, physical restoration services, prosthetic appliances and other equipment determined to be necessary for rehabilitation.

(6) Provide rehabilitation facilities necessary for the rehabilitation of the handicapped or contract with such facilities for necessary services. The department shall not, however, assume responsibility for permanent custodial care of any individual and shall provide rehabilitation services only for a period long enough to accomplish the rehabilitation objective or to determine that rehabilitation is not feasible through the services which can be made available to the individual being served.

History.—s. 4, ch. 59-385, s. 13, ch. 65-239, s. 318, ch. 77-147.

Note.—Former s. 229-44, s. 229-0124.

413.41 Cooperation by department with state agencies.—The Department of Health and Rehabilitative Services is hereby authorized to cooperate with other agencies of the state government or with any nonprofit, charitable corporations or foundations concerned with the problems of the disabled. The department may provide disability evaluation, work capacity appraisal and appraisal of vocational rehabilitation potential of handicapped individuals for other public agencies pursuant to agreements made at the request of such agencies. The department may charge the agencies contracting for these services the actual cost thereof.

History.—s. 5, ch. 59-385, s. 13, ch. 65-239, ss. 19, 35, ch. 69-106, s. 319, ch. 77-147.

Note.—Former s. 229-45, s. 229-0125.

413.42 Cooperation with federal agencies.—

The Department of Health and Rehabilitative Services is hereby authorized to cooperate with any agency of the Federal Government charged with the responsibility for administering laws relating to rehabilitation of handicapped individuals or the evaluation of the capacity of handicapped persons for employment, or for preparation for employment or for self-care. The department shall further be authorized to accept and disburse any funds appropriated by Congress and made available to the state for the purpose of rehabilitating disabled individuals or the evaluation of disabled individuals for rehabilitation or for gainful activity, or for any other purpose related to the lawful vocational rehabilitation program function of the department, and the department is authorized to take such action as may be necessary to execute the purposes of any such federal grants.

History.—s. 6, ch. 59-385, s. 13, ch. 65-239, ss. 19, 35, ch. 69-106, s. 320, ch. 77-147.

Note.—Former s. 229-46, s. 229-0126.

413.43 Utilization of state and federal funds.—The Department of Health and Rehabilitative Services is authorized to utilize for purposes of this law and for matching any federal funds which may be available for similar rehabilitation purposes any funds appropriated or allotted to the department. The department is authorized to accept such gifts and refunds as may be made unconditionally or as are not burdened with conditions inconsistent with the purposes of the rehabilitation program.

History.—s. 8, ch. 59-385; s. 13, ch. 65-239; ss. 19, 35, ch. 69-106; s. 321, ch. 77-147.

Note.—Former s. 229.47; s. 229.0127.

413.44 State Treasury depository.—The State Treasury shall be the depository of all funds appropriated by the state Legislature or received as federal grants or received as gifts from private individuals for the purposes of this program. Such funds shall be kept in a separate account distinct from all other state funds. Funds received by grant or gift, other than state appropriations, shall not lapse or be converted to the general fund at the end of any appropriations period.

History.—s. 9, ch. 59-385; s. 13, ch. 65-239.
Note.—Former s. 229.48; s. 229.0128.

413.46 Legislative intent.—It is the intent of the Legislature to insure the referral of severely disabled persons to the Department of Health and Rehabilitative Services by appropriate individuals or public and private agencies in order that all severely disabled persons might obtain the appropriate rehabilitative services rendered by the department and other state agencies.

History.—s. 1, ch. 74-254, s. 148, ch. 77-104.

413.47 Definitions.—As used in ss. 413.46-413.49:

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "Severe disability" means:

(a) Any spinal cord disease or injury resulting in permanent and total disability.

(b) Amputations of extremities that require prostheses.

(c) Visual acuity of 20/200 or worse in the better eye with the best correction.

(d) A peripheral field so contracted that the widest diameter of such field subtends an angular distance no greater than 20 degrees.

(e) A serious visual limitation in any infant sufficient to warrant special assistance to parents in matters of child-rearing and development.

History.—s. 2, ch. 74-254.

413.48 Establishment and maintenance of a central registry.—The department shall establish and maintain a central registry of severely disabled persons.

(1) Every public and private health and social agency and attending physician shall report to the department within 7 days after identification of any severely disabled person; however, the consent of the individual shall be obtained prior to making this report, except that every spinal cord disease or injury resulting in permanent or total disability shall be

reported to the department immediately upon identification.

(2) The report shall contain the name, age, residence, and type of disability of the individual and such additional information as may be deemed necessary by the department.

History.—s. 3, ch. 74-254; s. 1, ch. 75-168.

413.49 Duties and responsibilities of the department.—

(1) Within 15 days of the report and identification of a severely disabled person, the department shall notify the most immediate family members of their right to assistance from the state, the services available, and the eligibility requirements.

(2) The department shall refer severely disabled persons to appropriate divisions of the department and other state agencies to assure that rehabilitative services, if desired, are obtained by the severely disabled person.

(3) All other agencies of the state shall cooperate with the department to insure that appropriate rehabilitative services are available.

History.—s. 4, ch. 74-254.

413.50 Purpose.—The purpose of ss. 413.50-413.504 is:

(1) To provide extended employment in rehabilitation workshop facilities for developmentally disabled persons who are over 16 years of age and are, as a result of their disability, unable to enter the competitive labor market.

(2) To encourage the development, improvement, and expansion of rehabilitation workshop facilities for developmentally disabled persons.

History.—s. 1, ch. 74-341.

413.501 Definitions; ss. 413.50-413.504.—When used in ss. 413.50-413.504, unless the context clearly requires otherwise:

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "Rehabilitation workshop facility" means a place operated by a nonprofit voluntary agency engaged in the manufacture or production of products which provides gainful rehabilitation to severely handicapped persons until such persons can become employed and provides gainful work to developmentally disabled persons unable to be employed.

(3) "Extended employee" means one who has been employed in a rehabilitation workshop facility in excess of 24 months. This period shall include all developmental services involving, but not limited to, evaluation, personal and work-adjustment training, and subsequent facility employment.

(4) "Extended employment" means meaningful remunerative activity for at least 20 hours per week resulting in earnings of at least \$5 per week.

(5) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, or epilepsy, which disability can reasonably be expected to continue indefinitely and constitutes a substantial handicap to an individual.

(6) "Costs" means operating expenditures of the extended employment portion of the rehabilitation workshop facility less operating income generated by such extended employment activities.

(a) Expenditures approvable in arriving at costs may include, but are not limited to, the cost of:

1. Staff salaries and benefits attributable to extended employment work operations.
2. Rent, either on a ratio of extended employees to total facility client population or on a basis of space used, whichever is higher, or, if the building is owned by the facility, the equivalent of rent, including taxes, interest on mortgage, building maintenance and repair, depreciation of building, etc.
3. Utilities.
4. Equipment, on a depreciation basis.
5. Insurance.
6. Operation and maintenance.
7. The purchase, operation, and maintenance of vehicles used primarily for transporting the developmentally disabled to and from the facility and for transporting subcontract work and supplies.
8. Such indirect items as administration, including supervision of staff, bookkeeping, accounting, and secretarial and clerical services.
9. Other necessary expenditures approved and authorized in advance by the department.

(b) The following expenditures shall not be approvable:

1. Purchase of land.
2. New construction.
3. Acquisition, renovation, alteration, or expansion of existing buildings.
4. Mortgage amortization.
5. Any subsidy in addition to earned wages which is paid to an employee by a facility.

History.—s. 2, ch. 74-341; s. 323, ch. 77-147

413.502 Department authorized to contract with rehabilitation workshop facility.—

(1) Whenever it appears to the satisfaction of the Department of Health and Rehabilitative Services that a developmentally disabled person over the age of 16 years can reasonably be expected to benefit from, or if his best interests reasonably require, extended employment in a rehabilitation workshop facility operated by an approved nonprofit organization, the department is authorized to contract with the organization for the furnishing of extended employment to the developmentally disabled person.

(2) The department shall maintain a register of nonprofit organizations operating rehabilitation workshop facilities which, after inspection of the facilities for extended employment provided by them, the department deems qualified to meet the needs of such developmentally disabled persons. The inspections shall also determine the eligibility of such organizations to receive the funds hereinbefore specified.

History.—s. 3, ch. 74-341; s. 324, ch. 77-147.

413.503 Eligibility and standards of service.—

(1) Persons eligible for support as extended employees are those persons having a developmental disability who are over 16 years of age and are, as a result of their disability, unable to enter the competitive labor market.

(2) The determination of developmental disability shall be made by the Department of Health and Rehabilitative Services upon the basis of psychological

or medical records on file in the rehabilitation workshop facility that provide suitable and adequate evidence of:

- (a) Mental retardation.
- (b) Cerebral palsy.
- (c) Epilepsy.
- (d) Any combination of these disabilities.

The psychological or medical records which determine the condition of developmental disability shall not be more than 2 years old at the time of application by the facility for the support of such person. The department may require reexamination of a person by the facility in order to revalidate developmental disability.

(3) Those persons for whom subsidies are requested by a facility shall receive appropriate rehabilitation or habilitation services such as evaluation, personal and work adjustment training, or other services in order to assist the department in making a determination of the suitability of placement of such persons in extended employment within the facility. The facility shall be responsible for providing adequate information relating to the decision that an appropriate evaluation has been made of the validity of the "extended employee" designation.

(4) Periodic evaluations on at least a semiannual basis shall be conducted by the facility to determine if an extended employee's potential has been increased to the point where outside employment is possible. Professional evaluation services shall be regularly available either from the staff of the facility or on regular schedule from a rehabilitation facility which provides these professional services.

(5) Adequate job-placement services shall be made available by the facility for those extended employees deemed to have attained the potential for competitive employment.

(6) Any person in the facility whose productivity is at or above the level of the statutory minimum wage shall be excluded from support in this program unless there are modifying factors making competitive employment difficult.

(7) The maximum number of developmentally disabled persons in extended employment in any one rehabilitation workshop facility for whom the facility may receive support shall not exceed the maximum number of work stations available at any one full-time shift in the facility. For purposes of this subsection, "full-time" means a minimum of 5 hours of work daily. However, exceptions may be made on an individual basis, and consideration shall be given to medical reports rendered.

History.—s. 4, ch. 74-341; s. 325, ch. 77-147.

413.504 Department to promulgate rules and regulations.—The department is authorized to promulgate such reasonable rules and regulations as it may deem necessary or proper to carry out the provisions of this act. Administration of this act shall be consistent with the state plan for the Federal Developmental Disabilities Services and Facilities Construction Act as developed and implemented by the Department of Health and Rehabilitative Services.

History.—s. 5, ch. 74-341; s. 326, ch. 77-147.

PART III

REHABILITATION PROGRAMS—GENERAL

413.601 Legislative intent.

413.602 Definitions.

413.603 Establishment of a plan for a system of treatment for persons with spinal cord injuries.

413.604 Nursing home residents, age 55 and under; annual survey.

413.605 Advisory council on spinal cord injuries.

413.601 Legislative intent.—It is the intent of the Legislature to provide for the development of a coordinated rehabilitation program for those persons severely disabled by spinal cord injuries. Further, it is intended that permanent paralysis be prevented whenever possible through early identification of spinal cord injuries, skilled emergency evaluation procedures, and proper medical and rehabilitative treatment. The goal of this program shall be to enable individuals severely disabled by spinal cord injury to resume the activities of daily living and reintegrate with the community with as much dignity and independence as possible. For those persons who cannot achieve complete independence, supportive services and economic assistance are needed in order for them to live as normally as possible.

History.—s. 15, ch. 76-201.

413.602 Definitions.—As used in this act:

(1) "Department" means the Department of Health and Rehabilitative Services.

(2) "Secretary" means the secretary of the Department of Health and Rehabilitative Services.

(3) "Emergency medical evacuation system" means a transportation system which provides timely skilled emergency care and movement of persons believed to have suffered spinal cord injuries.

(4) "Intensive trauma care center" means a facility which provides diagnosis and intensive treatment of persons with spinal cord injuries aimed at preventing paralysis.

(5) "Rehabilitation center" means a facility which provides intermediate care and stresses rehabilitation for persons with spinal cord injuries.

(6) "Halfway house" means a facility which provides a temporary, structured residential environment for those individuals with spinal cord injuries in a training or educational program, in order to prepare such individuals to live independently.

History.—s. 16, ch. 76-201

413.603 Establishment of a plan for a system of treatment for persons with spinal cord injuries.—The department shall develop a plan for the establishment of a multilevel treatment program for persons with spinal cord injuries and present the plan to the secretary for review by March 1, 1977. The plan shall contain at least the following components:

(1) Establishment of an emergency medical evacuation system which shall include the operation and implementation of an emergency transport system in order that persons with spinal cord injuries can be transported to an intensive trauma care center on a

timely basis.

(2) Establishment of intensive trauma care centers which will provide as a minimum:

(a) The administration of preventive treatment to persons with spinal cord injuries to prevent paralysis, save lives, and stabilize the person's medical condition so that he can be transferred as soon as possible to a rehabilitation center for further rehabilitation.

(b) The appropriate number of centers to be developed according to need. Each facility shall consist of a special medical unit with appropriate professional personnel and expertise.

(3) Establishment of rehabilitation centers to provide rehabilitation services for persons transferred from the intensive trauma care center and for other persons with spinal cord injuries requiring rehabilitation services. Such centers shall be located according to need and shall be equipped with the appropriate staff component to meet the specialized rehabilitation needs of persons with spinal cord injuries.

(4) Establishment of an appropriate number of halfway houses for individuals who need attendant care, who are in adjustment periods, who require a structured environment, or who are in retraining or educational programs. All residents shall use the halfway house as a temporary measure and not as a permanent home or domicile.

(5) Residents of any of the above-cited facilities shall pay a monthly fee based on ability to pay.

History.—s. 17, ch. 76-201.

413.604 Nursing home residents, age 55 and under; annual survey.—The department shall conduct an annual survey of nursing homes in the state to determine the number of individuals 55 years of age and under who reside in such homes due to a spinal cord injury. All individuals identified in such a survey shall be evaluated as to their rehabilitation potential, and any individual who may benefit from rehabilitation shall be given an opportunity to participate in an appropriate rehabilitation program for which he may be eligible.

History.—s. 18, ch. 76-201.

413.605 Advisory council on spinal cord injuries.—

(1) There is created within the department an advisory council on spinal cord injuries composed of five appropriate professionals, with expertise in areas related to the care and rehabilitation of individuals with spinal cord injuries, and six individuals with spinal cord injuries.

(2) Members of the council shall be appointed by the secretary and shall serve for terms of 4 years, except that five members of the first appointed council shall serve for 2 years.

(3) The council shall meet at least four times annually, and members shall be entitled to per diem and travel expenses in accordance with the provisions of s. 112.061.

(4) The council shall provide advice and expertise to the department in the preparation, implementation, and periodic review of the coordinated rehabilitation program as set forth in this act.

History.—s. 19, ch. 76-201

Department of Revenue
DR-501-S
Rev. 8/77

REQUIREMENTS TO QUALIFY FOR PROPERTY TAX EXEMPTION

WHEN TO FILE: Application must be made between January 1 and March 1 of each year. Initial application should be made in person at the Property Appraiser's Office. Subsequent yearly renewal of exemption status may be made by mail.

\$5,000 HOMESTEAD EXEMPTION: Every person who had legal or equitable title to real property in the State of Florida and who resides thereon and in good faith makes it his or her permanent home is eligible.

If title is held by the husband alone, a wife may file for him, with his consent, and vice-versa.

If filing for the first time, be prepared to answer these questions:

1. In whose name or names was the title to the dwelling recorded as of January 1st?
2. What is the street address of the property?
3. How long have you been a legal resident of the State of Florida? (A Certificate of Domicile or Voter's Registration will be proof if dated prior to January 1st.)
4. Do you have a Florida license plate on your car and a Florida driver's license?
5. Were you living in the dwelling being claimed for homestead exemption on January 1st?

\$5,000 SENIOR'S ADDITIONAL HOMESTEAD: To be eligible you must:

1. Qualify for Homestead Exemption as explained.
2. Have been a permanent resident of the State of Florida for five (5) consecutive years as of January 1st of the year of assessment.
3. Be at least sixty-five (65) years of age as of January 1st.

If filing for the first time:

1. Bring proof of age (birth certificate, voting card, driver's license, or Medicare card, etc.)
2. Be prepared to attest under oath that you have been a resident for the past five (5) years.

\$500 WIDOW'S EXEMPTION:

Any widow who is a bona fide Florida resident may claim this exemption. If the widow remarries, she is no longer eligible. If the husband and wife were divorced before his death, the woman is not considered a widow.

\$500 DISABILITY EXEMPTION:

Every Florida resident who is totally and permanently disabled qualifies for this exemption. Furthermore, any serviceman disabled at least 10% in war or by service connected misfortune is entitled to a \$500 exemption.

If filing for the first time, please present at least one of the following as proof of your disability:

1. If totally and permanently disabled, a certificate from two (2) professionally unrelated licensed Florida physicians or from the Veterans' Administration.
2. If claiming 10% wartime or service connected disability, a certificate of disability from the United States Government.

\$500 EXEMPTION FOR BLIND PERSONS:

Every Florida resident who is blind qualifies for this exemption.

If claiming exemption based on blindness, a certificate from the Florida Division of Blind Services of the Department of Education or the Federal Social Security Administration or the Veterans' Administration certifying the applicant to be blind. "Blind person" is defined as an individual having central vision acuity 20/200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter or visual field subtends an angular distance no greater than twenty degrees.

\$4,500 DISABLED PERSON'S ADDITIONAL HOMESTEAD: To be eligible you must:

1. Qualify for Homestead Exemption as explained.
2. Qualify for the \$500 Disability Exemption as totally and permanently disabled resident.
3. Have been a permanent resident of the State of Florida for five (5) consecutive years as of January 1st of the year of assessment.

If filing for the first time be prepared to attest under oath that you have been a resident for the past five (5) years. Proof of disability must be presented as above. This exemption is not available to persons granted the \$5,000 Senior's Additional Homestead Exemption.

NOTICE: Florida law provides that the sum of the above exemptions shall not exceed \$10,000.

SERVICE CONNECTED TOTAL AND PERMANENT DISABILITY EXEMPTION:

Any honorably discharged veteran with service connected total and permanent disabilities is entitled to exemption on real estate used and owned as a homestead less any portion thereof used for commercial purposes.

Persons entitled to this exemption must have been a permanent resident of this state on January 1, 1976, or a permanent resident of this state for a period of not less than five (5) years as of January 1st of the year of assessment.

Under certain circumstances the benefit of this exemption can carry over to the veteran's wife in the event of his death. Consult your appraiser for details.

If filing for the first time, please bring proof of your service connected disability, such as a letter from the U. S. Government or United States Veterans' Administration.

EXEMPTION FOR TOTALLY AND PERMANENTLY DISABLED PERSONS:

1. Any real estate used and owned as a homestead less any portion thereof used for commercial purposes by any quadriplegic shall be exempt from taxation.
2. Any real estate used and owned as a homestead less any portion thereof used for commercial purposes by a paraplegic, hemiplegic or other totally and permanently disabled person, as defined in Section 196.012(10), F. S., who must use a wheelchair for mobility or who is legally blind, shall be exempt from taxation.

Persons entitled to the exemption under number two (2) above, must be a resident of the State of Florida for five (5) consecutive years as of January

1st of the year of assessment. Also, the income of all persons residing in or upon the homestead shall not exceed \$8,200. Gross income shall include Veterans' Administration and any social security benefits payable to the persons.

If filing for the first time, please bring a certificate from two (2) licensed doctors of this state or from the Veterans' Administration.

Reproduced from Department of Revenue document DR-501-S, Rev. 8/77.

ATTACHMENT III

PHYSICIAN'S

CERTIFICATION

of

TOTAL AND PERMANENT DISABILITY

I,, a physician licensed pursuant to Chapter 458,
(name of physician)

Florida Statutes, hereby certify Mr..... Mrs..... Miss..... Ms.....

.....,,
(name of totally and permanently disabled person) (social security number)

is totally and permanently disabled as of January 1,, due to the following
(year)

mental or physical condition(s): _____ Quadriplegia _____ Paraplegia

_____ Hemiplegia _____ Other total and permanent disability requiring use of a

wheelchair for mobility _____ Legal Blindness

It is my professional belief that the above named condition(s) render Mr..... Mrs.....

Miss..... Ms..... totally and permanently disabled,

and that the foregoing statements are true, correct, and complete to the best of

my knowledge and professional belief.

Signature
Date
Florida Board of Medical Examiners license number
Issued on

NOTICE TO TAXPAYER: Each Florida resident applying for a total and permanent disability exemption must present to the county property appraiser, on or before March 1 of each year, a copy of this ofrm (or a letter from the United States Veterans' Administration). Each form is to be completed by a licensed Florida physician.

NOTICE TO TAXPAYER AND PHYSICIAN: Section 196.131(2), Florida Statutes, states that, "Any person who shall knowingly give false information for the purpose of claiming homestead exemption...shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083," or, in other words, punishable by a term of imprisonment not exceeding 60 days or a fine not exceeding \$500.

